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STUDIES ON THE RED BOOK  
OF THE EXCHEQUER





# STUDIES ON THE RED BOOK OF THE EXCHEQUER

BY

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'Not the least of Mr. Round's merits is that the next generation will never want to know how much rubbish he has swept or helped to sweep away'

SIR F. POLLOCK (*English Historical Review*)

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## PREFACE

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As these studies are intended for historical scholars alone, I have thought it better to issue them privately and at my own cost, the interest taken in original research being here, unfortunately, very small. It has been urged, plausibly enough, that critical work of this character is out of place in books intended for permanent reference. To those, however, who advance this view it may not have occurred that, in some cases, there is no other means of publishing such work at all. There are but two or three quarters in which, in this country, it could hope to see the light. In one of them a successful intrigue averted its publication; in another, the 'English Historical Review'—intended, it is supposed, for this purpose, the avowed objection of its present editor to all 'controversy' whatever has made discussion impossible.

A grave question, I submit, is thus presented to scholars. It has now been definitely shown that it is possible, in England at any rate, to publish a work of historical importance, for permanent and universal reference, so replete with heresy and error as to lead astray for ever all students of its subject, and yet to run

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the gauntlet of reviewers, not only virtually unscathed, but even with praise and commendation. With the causes that make this possible I have dealt fully in the text. What I would here insist upon is that there is no means of revealing the truth about the work or exposing the errors with which it teems, unless an expert who is capable of doing so has the public spirit to devote his time and toil to the work and to publish the result of his labours at his own expense. It is simply because I felt it my duty, as possessing the special knowledge required, to undertake this thankless task that I now publish these studies.

In denouncing 'The Red Book of the Exchequer' as probably the most misleading publication in the whole range of the Rolls series, one has obviously no right to do so, if the matter were merely one of personal prejudice or opinion. But the statement rests, it will be found, on incontrovertible evidence, namely upon that of the public records, if not of the MS. itself. Again, a work of this character could not justly be condemned for those slips and small mistakes of which a certain percentage must always, in fairness, be allowed for. These, however, are quite distinct from serious and misleading errors and, above all, from that wanton introduction of confused and wild guesswork, which is the special feature of these volumes, and which is so strangely at variance with the rules of the Rolls Series. Of its baseless character these pages afford conclusive evidence, although the confident assertions in which the editor indulges have imposed, not unnaturally, on those who have not tested them. I cannot doubt that the competent scholar who peruses these pages will discover that the net result of 'The

Red Book of the Exchequer,' published officially at the cost of the nation, is not the increase of historical knowledge, but the introduction, on the contrary, of error, often in the place of truth.

It must, however, be explained that these studies contain but a portion of the destructive criticism required by this singular work. Others, equally decisive, deal with special sections; but as they are constructive as well as critical, and establish historical facts, in the place of erroneous fancies, they may fittingly appear as contributions to the work of original research.

The question of Swereford's authority, to which a separate study is devoted, may not, of itself, be of much importance, except as bearing on the value of mediæval 'authorities.' But, small or great, problems of this kind should not, if raised at all, be left undecided. I had found it necessary to raise it in dealing with Knight Service; and this—for reasons which no one, apparently, is able to understand—was vehemently resented by Mr. Hall. He had, of course, a perfect right to rehabilitate Swereford's authority, if he had the means of doing so; and, so far from objecting, I should have been among the first to congratulate him if he had done so. It will be found, however, that he could not rebut my case, and, indeed, that his efforts to explain away the errors and misconceptions of Swereford have resulted only in a demonstration that his hero's authority is even worse than I had previously cared to assert.

It is presumably due to the weakness of his case that he has had recourse, unhappily, to making personal

charges instead of defending his statements when exposed to expert criticism. It is neither intelligible nor is it argument to dismiss such criticism as due to mere 'wounded vanity.' As for alleged misrepresentation or, worse still, tampering with the text, I need not, I hope, allude to such allegations further than to say that they explain and amply justify a tone which I should, otherwise, have been most reluctant to adopt.

The growing interest that is now shown in palæography and 'diplomatic' has not removed, it would seem, from England the reproach of being somewhat backward in this department of learning. At Oxford, it is true, the distinguished names of Mr. Madan and Mr. R. L. Poole are a sufficient guarantee of sound and sober scholarship. But at Cambridge and at the London School of Economics the teaching, it appears, has been that which is found in 'The Red Book of the Exchequer.' It is not only at these seats of learning, but also at the Royal Historical Society, and possibly at the Public Record Office, that a perusal of these papers may prove, I trust, of interest, and even, perhaps, of service.

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## THE ANTIQUITY OF SCUTAGE

AMONG the most important innovations assigned to Henry II is the introduction of the feudal tax known as 'scutage.' Dr. Stubbs had frequent occasion to refer to it as introducing a new principle, that of adopting 'the knight's fee, instead of the hide, as the basis of rating.' It is the history and the incidence of this new rating that lies at the root of Swereford's studies, and that chiefly led to the compilation of the 'Red Book of the Exchequer.'<sup>1</sup> The first point that we have to discuss, in dealing with this tax, is the period of its institution. Dr. Stubbs tells us that 'the term scutage' was first employed under Henry II, in 1156; nor have historians, till lately, challenged this conclusion. Indeed, it has been universally accepted. The evidence, however, adduced by me in the 'English Historical Review' (1891) has made them now, Mr. Hall admits, in his preface to the 'Liber Rubeus,' 'well disposed to accept the earlier genesis of Scutage, which was utterly denied by Swereford and other technical writers of the twelfth and thirteenth centuries.'<sup>2</sup> The actual words of Swereford are these: 'temporibus enim regis Henrici primi . . . nec inspexi vel audiui fuisse scutagia

<sup>1</sup> See the paper below on *The Red Book of the Exchequer* (ed. Hall), published in 1897.

<sup>2</sup> *Liber Rubeus*, p. cli.

assisa ;' and the only criticism on this passage made by me is that 'Swereford may be pardoned for his ignorance of the fact that scutage existed under Henry I.' This, surely, might disarm his champion; and yet he complains, even here, of 'a fatal flaw in the indictment.' My 'indictment' is a statement that Swereford was ignorant of scutage existing under Henry I; and it is he himself who tells us that he was.

The fact is that in the section he devotes to the introduction of scutage and of knight-service into England,<sup>1</sup> Mr. Hall, as usual, 'seems to be labouring under the delusion that Swereford's personal integrity has been attacked.'<sup>2</sup> He talks of 'clearing Swereford's reputation' (p. clvi), when, as we have seen, it has not here been assailed. It is not I, it is he himself who states that the 'genesis of scutage,' before the reign of Henry II, 'was utterly denied by Swereford,' and who then triumphantly claims that he never did deny it! Here are his own words:—

One of the heaviest charges under which Swereford, as the reputed compiler of the Red Book of the Exchequer, lies at present undefended, is in respect of the above denial which he certainly seems to have made with great deliberation.

And yet it might be possible to prove that this statement cannot be shaken by the latest evidence which has been brought against it, for Swereford does not say that the term scutage has no earlier existence, but merely that he has never found or heard of a list of scutages in the few remaining year-rolls of Henry I (pp. cli-ii).

I am not responsible for Mr. Hall's confusion :<sup>3</sup>

<sup>1</sup> Sec. VI. (pp. cxlix-clxv).

<sup>2</sup> This phrase is taken from the *Athenæum* review of the *Liber Rubens* (Oct. 23, 1897).

<sup>3</sup> Compare *Feudal England*, p. 264, where I cite Swereford's very words.

I can afford to stand aside and watch him demolish an 'indictment' invented by himself alone.

Apart, however, from this odd confusion, Mr. Hall frankly owns that

The evidence above referred to deserves our most careful consideration, for if its authenticity is once admitted, the accepted theory as to the origin of knight-service in England, and the equally familiar view of the institution of scutage in the reign of Henry II, must be henceforth for ever abandoned.

He accordingly devotes several pages to investigating this question, asserting that 'a solitary charter,' of about 1130, is my only evidence (p. clii). If it is genuine, he himself assures us, 'Swereford's assertion is completely discredited; and the theories of modern historians which are based upon that assertion will of course share the same fate.' The subject being deemed of this importance, we must briefly examine Mr. Hall's argument. The first point he makes is that a clause occurring in the middle of the charter must have been an interpolation, because it is omitted from the transcript found in another Cottonian manuscript (Tit. A. I). So far from being, as he claims, distinctly the earlier of the two, I have the very highest authority for stating that this latter manuscript is, if anything, rather later than the other (Tib. A. VI). It does not seem to have occurred to Mr. Hall that the clause may as well have been dropped by the one scribe as interpolated by the other. At the risk of being deemed presumptuous in thus venturing to question the view of one who actually lectures on palæography and 'diplomatic,' I shall have to show how curiously little he knows of either subject.<sup>1</sup>

<sup>1</sup> See other instances in point below.

In such a case as that of this charter, the expert judges by the run of the words, by the sense they make, and by the likelihood of interpolation: all three tests are in favour of the challenged clause. I place it here in italic type:—

*solebat dare de scutagio quando scutagium currebat per terram meam Angliæ: ita quod Ecclesia amodo non dabit inde nisi lxx libras quando scutagium per terram evenerit.*<sup>1</sup>

The run of the words explains how the scribe leapt, as in similar instances, from one ‘quando’ to the next;<sup>2</sup> the sense of the charter is not improved, but impaired, by omitting the clause (for Mr. Hall has overlooked his tenses, ‘solebat’ requiring ‘currebat,’ and ‘evenerit’ answering to ‘dabit’); and lastly there was no object in interpolating a clause which does not affect the sense of the charter.

The whole document, therefore, stands or falls together; and if the term ‘currebat’ in the challenged clause is strikingly ‘technical’ for so early a date, Mr. Hall should remember that the Norfolk Inquisitions, as, in dealing with them, he here insists, enable us ‘to antedate a certain phase in the technical procedure of Scutage by nearly half a century.’ Nay, more. I have lately dealt with a (cartulary) charter granted by the son of a Domesday tenant, and therefore, in all probability, even earlier than this. In it we find

<sup>1</sup> *Liber Rubeus*, II, clii.

<sup>2</sup> Oddly enough, there is, of this, an admirable illustration in the *Liber Rubeus* itself. In its text of the *Constitutio* (p. 812), the scribe has similarly leapt from one ‘commendent’ to the next, thus omitting several words essential to the meaning of the text, and leading Mr. Hall into woeful error (see below). The Black Book, which is the better text, duly gives the omitted words.

Another excellent instance is found in a Scottish charter with which I deal in my Calendar of documents preserved abroad. The name ‘Haya’ occurs twice in it, and the scribe, leaping by mistake from one to the other, has omitted the intervening witnesses.

mentioned 'communem geldam [*sic*] regis quæ currit per totam terram Anglie,' just as in the Ely charter we find the king speaking of 'quando scutagium currebat per terram meam Anglie.' The latter phrase, Mr. Hall tells us, 'clearly implies an actual assessment entered in the revenue rolls, . . . points to the assessment of periodical scutages in the lost Pipe Rolls of the reign of Henry I.'<sup>1</sup> It would seem then that I treated Swereford too gently in the matter: in the words of his own champion he 'is completely discredited.' But even without the challenged clause, the charter, we learnt, 'is rather startling,' from its early mention of scutage; and while he dare not reject it, Mr. Hall hints his suspicions. We see him, if he will pardon the expression,

Willing to wound, and yet afraid to strike,  
Just hint a fault, and hesitate dislike.

I shall now, therefore, produce several other charters, before the accession of Henry II, in which scutage is mentioned; and if Mr. Hall replies, as he does, that this scutage was a 'common assize,' and not 'an assessment on the knight's fee,' I can refer him to an original charter below proving that in Stephen's days scutage was already fully developed, and might have been defined in the very words employed in the 'Dialogus' itself.

Combining the cases I have previously adduced<sup>2</sup> with those I have subsequently noted, we have, under Henry I, an allusion by Herbert bishop of Norwich (d. 1119) to the sum of 60*l.* being exacted from him

<sup>1</sup> *Liber Rubens*, pp. clii-iii.

<sup>2</sup> *Feudal England*, pp. 268-70.



‘pro militibus,’<sup>1</sup> and one about the same time, in England, by Eustace Count of Boulogne to his knights owing service ‘in nummis.’<sup>1</sup>

A charter of *circ.* 1122 contains the phrase ‘quietum . . . de omni expeditione infra Angliam vel extra Angliam, de *denariis militum* quando et quocunque modo evenerint.’<sup>2</sup> The word itself definitely emerges in the charter of the Earl of Chester to St. Evroul (1121–1129) confirming his predecessor’s gift ‘liberam et quietam ab *escuagio*,’<sup>3</sup> while Stephen, as Count of Boulogne (1125–1135), makes a grant to St. John’s Abbey, Colchester, ‘quietam ab *scuagiis*.’<sup>4</sup> When Henry I granted to Christchurch Priory, London, a general charter of exemption (before 1123), ‘scutage’ was among the payments from which it was declared free,<sup>5</sup> and Madox appealed to a writ of that king among the archives of Westminster, directing that the abbot and monks of Westminster are to hold ‘*terram suam de Peritona . . . ita bene et honorifice et libere et juste et quiete de scutagio et omnibus secularibus consuetudinibus, sicut pater tuus primitus ipsi Ecclesiæ dedit et concessit et sicut ipsi postea melius tenuerunt, et tempore Hugonis comitis etc.*’ We are thus prepared for the charter of Henry I, reducing the 100*l.*, which the church of Ely ‘solebat dare de *scutagio* quando *scutagium* currebat per terram,’ to 60*l.* ‘quando *scutagium* per terram evenerit.’<sup>6</sup>

Under Stephen, we have a charter granted by the

<sup>1</sup> *Feudal England*, p. 270.

<sup>2</sup> *Collections for History of Staffordshire*, ii. 195.

<sup>3</sup> *Feudal England*, 269.

<sup>4</sup> Cartulary of St. John’s, fo. 20.

<sup>5</sup> *Mon. Aug.* VI, 157.

<sup>6</sup> *Feudal England*, p. 268.

king himself, in which he confirms the queen's grant of East Donyland to St. John's Abbey 'quiete ab omnibus exactionibus, et de *scutagio* et de omni servicio militari' etc.<sup>1</sup> Even more important, however, are the charters of Gilbert, Earl of Pembroke (d. 1149), which, like that of Stephen, I have not, till now, made public. The first of these is to Lewes Priory, and relates to Horsted (Keynes), Sussex. It is an interesting illustration of history, referring, as it does, to the earl's possession of the Rape of Pevensey ('Honour de Aquila'), a fact, I believe, only known from the mention, in the '*Gesta Stephani*,'<sup>2</sup> of Pevensey being one of his four castles when he rebelled against Stephen.

Sciant presentes et futuri quod ego Comes Gilbertus Penbroc' donavi deo et sancte Marie et sancto Pancratio et monachis ibidem deo servientibus in liberam elemosinam servitium terre quam ipsi tenent de feodo Roberti de Horsted in elemosina *que de scutagio reddere solebat decem solidos*, et ipsum Robertum quietum clamo . . . illis dono et firmiter concedo in libera elemosina quicquid ipsi tenent in rapo de Peveneshelle de cujusunque feodo sit absolutum et quietum de schyris et hundredis et placitis et querelis et de omnibus aliis consuetudinibus in bosco et plano, in aquis et extra aquas et in pasturis quamdiu ego inde dominus et potens fuero aut heredes mei . . . Test . . . Ricardo filio comitis etc.<sup>3</sup>

This charter, which has for its witness the famous 'Strongbow' of later days, would be of interest if only as proof of the earl's tenure of the Rape and of the precarious nature of his possession. But what we are specially concerned with is his release to the priory of the 'service' (*i.e.* knight-service) due from the land

<sup>1</sup> Colchester Cartulary, fo. 14.

<sup>2</sup> Ed. Howlett, pp. 128-9.

<sup>3</sup> Lewes Cartulary (Vesp. F. XV), fo. 73.

referred to, which was, of course, equivalent to a 'gift' of that service. The effect of the earl's 'gift' was, to release the priory from paying scutage on the land to Robert de Horsted, and Robert, in turn, from paying it to himself, the earl, of course, being the party directly responsible to the Crown.

The next and the most conclusive document is the very interesting original charter,<sup>1</sup> by which the earl confirms gifts at Parndon, Essex, on his fief. Here, at length, we learn the fact that scutage was so established an institution, in the days of Stephen, that it was levied at either a marc or a pound on the knight's fee, just as it would be under Henry II. The system, in short, was fully developed. The land here granted was to pay scutage as a tenth of a knight's fee, 'quando even-erit,' the very phrase employed in my charter of Henry I, while 'quando evenerint' is similarly applied in the Staffordshire charter above, to what it terms the 'denarii militum.'<sup>2</sup>

Notum sit cunctis fidelibus quod ego comes Gilbertus concedo ecclesie sancte Marie de Suddwercha terram de Perenduna quam Johannes dapifer et Nicholaus de Epinges dederunt prefate ecclesie cum Willelmo filio Eadmundi, cujus erat ipsa eadem terra, liberam ab omni servicio *excepto scutagio quod quando evenerit unum militem dare xx solidos tunc illa det ii solidos Si miles unus i marcam, illa xvi denarios*,<sup>3</sup> et hoc favore domini Talebot cui servitium ipsius

<sup>1</sup> Cott. MS. Nero C. III, p. 228.

<sup>2</sup> It was clearly a technical word, for in the charter of Henry II (? 1157) exempting Colchester Abbey from Danegeld, etc. (Colchester Cartulary, fo. 9), we find the interesting Exchequer passage:—'Et precipio vobis quicquid *evenerit* super predictas hidas de Danegeldis et murdris et hidagiis computetis Vicecomitibus in quorum Bailliis terre ille sunt. Et tantundem detrahatur de summa rotulorum meorum.'

<sup>3</sup> Cf. the *Carta* of William 'de Abbrincis' (*Liber Rubeus*, p. 192) in 1166: 'quando Rex accipit auxilium de militibus xx solidorum,



terre debetur, qui illam de me tenet. Capellam quoque et decimam meam de dominio de Torp et omnem decimam unde decimatio debet dari et unam ex tribus piscinis que ibi sunt et xl acras capelle adjacentes. Præterea decimam de Cupefald in messe, in vitulis, in agris, in porcis, in caseis, et in omnibus que decimari debent more catholico tam in nemore quam in plano fideliter annuo, et in eodem manerio vi solidatas terre ubi Canonici mansionem facere possunt sibi in ospitium. Hec omnia confirmo hac mea presenti carta in redemptionem peccatorum meorum et peccatorum comitis Isabel et pro salute filii mei Ricardi et pro animabus predecessorum parentum meorum et pro anima Willelmi de monte fichet ex cujus feudo exstitit pars hujus donationis. Et quecunque poterint adipisci vel dono vel mercatione in cujuscunque dominio feudi mei sit. Si quis autem ex meis tenentibus illi aliquid humanitatis et caritatis officium impartiri studuerit, ut in terris, in decimis et in aliis elemosinarum largitionibus gratiam et remunerationem a Deo omnium bonorum remuneratore et a me promereri valeant. Hoc vero factum est consensu Ricardi filii mei et consensu comitis Isabel uxoris mee qui sunt hujus donationis testes, et Hervic[us] frater meus; Philippus de Humez; Talebot; Rogerus de Wanci; Paganus de Campaignes; Robertus capellanus Comitisse; Willelmus filius Lamberti; Paganus clericus; Hugo clericus; Turstinus mareschal; Rogerus de Perenduna; Hubertus de Reinduna et ejusdem Huberti filius Willelmus.

In this case there was no release of the liability to scutage, as there was in the other.

The charter contains much that is interesting. The description of the tithes to be paid and the allusion to their customary payment are peculiar features. The statement that a portion of the gift was of the fee of William de Montfichet, whose soul, therefore, was to share the benefit, needs some explanation. William had

dabunt isti xii solidos, . . . et si marcam accipit, viii solidos dabunt'; also the *Dialogus de Scaccario* (I, ix) on scutage: 'fit interdum, ut decernat rex de singulis feodis militum summam aliquam solvi, marcam scilicet vel libram unam.'

married the earl's sister, and his fief, with his heir, passed at his death into the earl's keeping.<sup>1</sup> The Gloucester cartulary and the Montfichet 'carta' of 1166 illustrate the earl's dealing with his nephew's fief. The occurrence of the earl's 'brother,' Hervey, as a leading witness is very welcome. For this is no other than Hervey de Montmorency (de Monte Marisco), who afterwards shared with his nephew, Earl Gilbert's son, the conquest of Ireland.<sup>2</sup>

Inextricably involved, in this section (VI) of Mr. Hall's preface to the Red Book, with the question of the origin of scutage are theories of the most far-reaching import on its connection with the older system of taxation and with the introduction of knight-service. It is ominous that, as in section VIII, we read 'that two possible explanations might be hazarded,' and that 'we may even be tempted to conjecture' (pp. cxlix, clxiv). Why restrict oneself to simple fact, when it is always possible, even in official publications, to 'hazard' groundless conjectures?

It is the closing portion of this section—some four or five pages—which is devoted by Mr. Hall to what he terms the 'Assimilation of Scutage to the System of Imperial [*sic*] Taxation.'

A few words are here necessary on the manner in which one should approach serious historical questions. When a theory is of fundamental importance, and when, moreover, our leading historians are entirely agreed upon its truth, decency requires that their conclusions

<sup>1</sup> See my paper on the Abbey of Stratford Langthorne (*Essex Arch. Trans.* vol. v. p. 141).

<sup>2</sup> See *Feudal England*, p. 523.

should at least be seriously assailed, before being lightly dismissed as if requiring no consideration. And if a rival theory is to be advanced, affecting very gravely our institutional development, it should not only be supported by ample and indisputable evidence, but also be set forth fully, carefully, and, above all, consistently. Unfortunately, however, Mr. Hall has almost a habit of springing upon us incidentally some revolutionary theory, which he lightly takes as certain, without troubling to prove it. And worse still, to the bewilderment of students, instead of working up to a clear and definite conclusion, he begins by insisting on some proposition of far-reaching importance, and ends by its virtual abandonment in a mist of vague verbiage. He has obviously a perfect right to enunciate any theory; but he should, at least, make it clear to himself before he advances it in public, and should adhere to it consistently, or not advance it at all.

Of this habit of his we have a perfect instance in the pages of which I speak. Discussing an entirely different subject, namely, the relations of the Crown, the tenants-in-chief, and their under-tenants in the payment and receipt of scutage, Mr. Hall suddenly observes :—

In any case it is at least an interesting reflection that not only was the classification of the military service of the tenants-in-chief according to knights' fees of far greater antiquity than has been usually supposed, but also that *it did not necessarily disturb the ancient system of assessment*<sup>1</sup> for imperial taxation, which, in the shape of a common assize, *continued to be apportioned according to the old plan of hidation—for scutage and aid, 'donum' and*

<sup>1</sup> The italics are mine.

'assisa,' carucage and hidage, and tallage—down to a far later period (p. clxi).

The words I have italicised take for granted, under the guise of 'an interesting reflection,' that our leading historians are entirely wrong in holding as a fundamental maxim that a 'new system of rating land' (as Dr. Stubbs terms it) was introduced after the Conquest, in which the feudal unit of the knight's fee replaced 'for the knights and barons' the old Anglo-Saxon unit of the hide. 'Scutage' was reckoned on the former, the new system; 'hidage' on the latter, the old system. So at least we have all believed. As for 'tallage,' nobody could pretend that this was apportioned in accordance with any possible system of 'hidation.'

We naturally ask on what evidence the above startling theory is thus lightly propounded. The evidence is an afterthought. Under the marginal heading 'Assessment of land at the Exchequer,' Mr. Hall informs us that four hides were, at the Exchequer, reckoned as one knight's fee, and *vice versa*. Now let us clearly understand, if its author does not, what this statement means. It has been often held that a knight's fee consisted normally of five (not four) hides; but this is not what Mr. Hall means. 'For,' as he admits, 'it is true that the number of hides computed in an individual knight's fee might and did vary, like the number of acres which the hide itself contained.' This admission is followed by what is really his proposition.

It is quite clear, however, that as the normal <sup>1</sup> hide was supposed to contain 120 acres, so the normal knight's fee

<sup>1</sup> It will be found that Mr. Hall throughout confuses 'normal' with 'conventional' (*i.e.* the Exchequer reckoning).

contained 4 hides<sup>1</sup>—a scale which seems to have been recognised as late as the sixteenth century. Similarly, assessments on the fee might be computed in terms of the carucate and the bovine from the analogy of the ‘common assize.’

That is to say, there was a system of ‘convertible assessments,’ which are thus described :—

One was based upon a conventional system of hidation, adapted for the assessment of general feudal taxation, including the scutage. The other was the convenient system of the knight’s fee as a unit by means of which the assessment could be calculated in a sort of decimal sum, which saved the labour of reducing the normal fee to the denominations of the hide and the virgate (p. clxii).

The ‘conventional system of hidation’ has been explained by Professor Maitland and myself, and is now well understood. It consisted in reckoning, at the Exchequer, that a ‘hide’ was equivalent to four ‘virgates,’ and a ‘virgate’ to thirty ‘acres.’ As this relation was absolutely *constant*, the three denominations were as easily convertible as our own pounds, shillings, and pence. It will be seen, therefore, that what Mr. Hall means is that the ‘knight’s fee’ formed a higher denomination, which at the Exchequer was reckoned as equivalent to four ‘hides’ (or ‘carucates,’ as the case might be). He means this, or he means nothing.

The importance of such a discovery as this would undoubtedly be very great. As is implied by Mr. Hall at the opening and at the end of this section, it raises the whole question of the origin of knight-service in England : it supplies at once the missing link between the old system of assessment and the new. But is it

<sup>1</sup> The only actual cases quoted by Mr. Hall are three fees, from Kirby’s *Quest*—not of 4 carucates each, but of 8, 8, and  $4\frac{1}{2}$  (p. clxiv).



true? For answer we need but glance at the sudden and unexpected admission, two pages later :

It would be quite incorrect, however, to assume that all or any of the above scales of assessment are capable of being reduced to an exact formula. . . . But *it is at least probable*<sup>1</sup> that the *normal* holding which was *generally* recognised at the Exchequer was that of the knight's fee of four *or more* hides or carucates (according to the ever varying value of the soil) to make up the *valor* of 20 librates (p. clxiv).

Compare these vague generalities (especially the words I have italicised) with the definite proposition from which we started<sup>2</sup>; and it will be seen that the writer has no sooner formulated his theory than he lightly abandons it himself. The assessments, of course, could only be 'convertible' if a knight's fee was *always* computed as equivalent to four hides. But this, we learn, was not the case. Therefore it was no more possible to convert 'fees' into 'hides' than it would be now to convert pounds into shillings, if a pound might mean twenty shillings 'or more,' and if even this was only 'probable.' Mr. Hall's edifice crumbles as usual almost as soon as it is raised.

To show that the whole passage (pp. clx-clxv) is wrong from beginning to end, I must deal, as briefly as possible, with the second part of the theory, namely the convertibility, in the Exchequer system, of the term 'a knight's fee' and 20 librates of land (p. clxiii) :—

the librate is now regarded as the equivalent of a certain part of a fee. Many instances of the indiscriminate use of these three systems will be found in the Red Book itself. We constantly find the scribe reducing a money-

<sup>1</sup> The italics are mine throughout.

<sup>2</sup> P. 12 above.

payment to terms of the knight's fee, and in one case five separate holdings, making together 3 fees, a half, a fifth, and a holding of 74 librates, are added together as  $7\frac{2}{5}$  fees—20 librates being counted to the fee (p. clxiii).

Of this 'constant' practice, it will be seen, Mr. Hall (fortunately) gives us one selected instance, citing 'pp. 355-6 and 731' of his text. Now if it be a fact that an Exchequer scribe, with nothing before him but 'a holding of 74 librates,' converted it *proprio motu* into  $3\frac{7}{10}$  fees, by counting 20 librates to the fee, Mr. Hall here proves his point.<sup>1</sup> On referring to p. 731, we duly find the total given at  $7\frac{2}{5}$  fees; and—which is more important—we find that the sum entered on the Roll of 1168 represents  $7\frac{2}{5}$  fees (p. 38). But when we turn to 'pp. 355-6' the first point to strike us is that one of Mr. Hall's holdings, namely 'a fifth,' exists only in his own imagination: it is not to be found in his text! And this upsets the whole calculation. Apart from this, moreover, the tenant who makes the return does not, as alleged, merely return 'a holding of 74 librates,' but says that he is enfeoffed in Sawbridgeworth 'pro lxxiiij libratīs terræ; singulas xx libratas pro servitio j militis,' that is to say, he was enfeoffed to hold it as  $3\frac{7}{10}$  fees. With this information before him the scribe had not to 'convert' anything: he merely charged the tenant for what he himself admitted— $3\frac{7}{10}$  fees in respect of Sawbridgeworth. And so, once more, Mr. Hall's evidence collapses as soon as we test it.

One point more. We read above of the scribe 'reducing a money-payment to terms of the knight's

<sup>1</sup> I have myself urged that 20 librates was possibly the normal value of a fee; but we are here only concerned with a conventional Exchequer reckoning.

fee.' What Mr. Hall meant was, in this case, not a money-payment, but a *money-value*. The two things were not only distinct, but had no connection with one another. How he can have so confused them into a single 'form,' as he does on p. clxiii, passes human comprehension. The 'formula [that] A. B. pays 3s. 4d. when the King exacts one marc of Scutage' obviously means, as I have elsewhere explained, that he holds a quarter of a knight's fee (whatever its extent or value). Either phrase expresses his scutage assessment. It does not mean, as Mr. Hall asserts, 'that he holds a *normal* quarter-fee of *one hide*.' Still less has it anything to do with the *value* of the holding in 'librates.' The very charter I have printed above (p. 8) is an instance in point. It affords absolutely no indication of the value or area of the holding. Its payment *formula* merely tells us that the holding was held by the service of one-tenth of a knight. Any scholar who looks at page clxiii will see at once that the writer is the victim of hopeless mental confusion, and that 'the evolution of the 20 librate holding' from the above scutage formula (with which it had nothing whatever to do) is, to speak plainly, senseless.

'We may even be tempted to conjecture,' Mr. Hall characteristically concludes, 'that the complex system of enfeoffment and assessment . . . was merely the shadowy fabric of a feudal dream' (p. clxiv). Adapting his phrase, we may safely say—not as a matter of 'conjecture' but of fact—that his complex system of 'convertible assessments' is the shadowy fabric of a dream.



## *THE RED BOOK OF THE EXCHEQUER.*

SECOND only in honour to Domesday Book itself, the 'Liber Rubeus de Scaccario' has, for more than six centuries, held a foremost place among our national records. Prized by officials for its precedents, by antiquaries for its vast store of topographical and genealogical information, its well-thumbed pages have been scanned by twenty generations of students. At last—one may use the term advisedly, for the work was announced as 'in the press' for years—almost all its unpublished contents are made accessible in print.<sup>1</sup>

The responsible authorities of the Rolls Series could not have selected an official more obviously qualified to edit the great Exchequer register than was Mr. Hubert Hall. Devoting himself with special zeal to the records of the ancient Exchequer, he had produced, as the fruit of his studies, 'Court Life under the Plantagenets' (1890), and 'Antiquities and Curiosities of the Exchequer' (1891), while the papers in the third and seventh volumes of the Pipe Roll Society on 'the system of the Exchequer' were also from his pen.

<sup>1</sup> *The Red Book of the Exchequer*, 3 vols. Edited by Hubert Hall, F.S.A., of the Public Record Office . . . under the direction of the Master of the Rolls.

There is, perhaps, no man living, certainly no Englishman, so intimately conversant with the early records of what to the men of the twelfth century was already the mysterious, the almost sacrosanct Court of the Exchequer.

But Mr. Hall had further claims. As Director of the Royal Historical Society, he was clearly an authority on history, while his knowledge of palæography and 'diplomatic,' which was an essential requisite in the editor of a corrupt and derived MS., comprising a *congeries* of records, is vouched for by the fact that he has undertaken to teach and lecture on these subjects.<sup>1</sup> At Cambridge, also, Mr. York Powell (Regius Professor at Oxford) stated before the Royal Historical Society, 17 June 1897, 'Mr. Hubert Hall of the Record Office is announced to lecture for the University' on these subjects. (*Transactions*, xi. 35.) On every ground, therefore, he was obviously the man for the work.

It should be scarcely necessary to say that an official edition of an official MS. stands on a very different footing from a book produced by a private individual on his own initiative alone. The latter is robed with no authority: if it is good, it will be praised on its merits; if bad, it cannot exercise much mischievous effect. The whole case is altered when a work is issued officially, published under the *ægis* of the Master of the Rolls and with all the *prestige* of the Public Record Office. It is not only that the work bears

<sup>1</sup> 'Un cours de paléographie et de diplomatique a été ouvert au commencement du mois d'octobre 1897 à Londres. . . . Le professeur est M. Hubert Hall. . . . Les étudiants sont exercés à la transcription, à l'édition, et à l'emploi des textes' (*Bibliothèque de l'Ecole de Chartes*, lviii, 518). .

an official stamp: its inclusion in the famous Rolls Series, no less prized abroad than at home, makes it, permanently, a work of reference, and ranks it among volumes illumined by the work of a Stubbs, a Maitland, and a Luard. But the greater the position thus imparted, the greater also the responsibility, and the more urgent the need for an expert appraisal of a work certain to be widely consulted and accepted as of special authority. And still more urgent is that need when the subjects dealt with in the work are familiar only to a very few, so that the majority of those who consult it cannot appraise its statements for themselves. Indeed, when made with great assurance, and with an even greater show of learning, they will be accepted without question, even though an expert, without an effort, could overthrow them one by one. This has actually come to pass. Alone, the *Athenæum* critic has sounded a note of warning; and even he is loth, he says, to mar the 'chorus of praise' which has greeted this amazing work.

Before I proceed to that expert criticism which, as I have shown, is imperatively required in the case of such a work as this, I must say something of the loose talk about the gratitude due to the authors and editors of books. When a student produces, as a private enterprise, a work of original research or an edition of an historical MS., he will certainly expend much labour and probably some money on a work which cannot bring him any pecuniary return. To such a man gratitude is due, more gratitude, to speak plainly, than he is likely to receive.<sup>1</sup> But when the above *Athenæum* critic tells

<sup>1</sup> Since these words were written, Mr. Edward Jenks, in his

us that we owe to Mr. Hubert Hall 'gratitude' and 'heartiest thanks' for having edited the Red Book, one wonders whether he has forgotten the fact that official editors are paid for their work. We are, therefore, free to judge their productions apart from any obligation of 'gratitude' for their having undertaken to produce them. If they are good, they ought to be praised; if bad, they ought to be exposed in the most unsparing manner, because their very official character makes their errors and their heresies infinitely more mischievous than if they had appeared only in some private work.

In his well-known and brilliant lectures on 'Mediæval and modern history,' Dr. Stubbs has made some just remarks on the ethics of historical reviewing. He reminds us that a work should not be condemned—especially in an anonymous review—because its author's opinions differ from those of his reviewer. It is most desirable, in all controversy, to distinguish errors of fact, of date, of reading, and so forth, from what are merely matters of opinion or conjecture. In the criticisms I shall now offer on 'The Red Book of the Exchequer,' it will, I hope, be found that they are in no way dependent on mere personal opinion, but that they rest on indisputable evidence, and sometimes even on the text itself, or indeed on its editor's own words.

remarkable work, *Law and Politics in the Middle Ages*, has thus frankly acknowledged the fruits of original research undertaken by experts: 'But for these labours, often ill-requited and always rendered in a high spirit of devotion to the cause of learning, no such task as that which the writer has set before himself could have been essayed. If in any degree he has succeeded in rendering an intelligible account of a period hitherto but little known to the ordinary reader, it is to these self-denying scholars that he owes his success' (p. vii).

It is one of the first and chief duties of an editor, in the Rolls Series, to append marginal dates to the chronicle or documents he deals with. This is, at all times, a matter of importance, but never more so than in these volumes, where the reader is often dependent on the editor's marginal date for the right comprehension of the text. Now the very first portion of Mr. Hall's first volume is marred in this respect by fundamental error.

As the roll of the Exchequer was made up, every year, at the Michaelmas session, the fiscal year never changed, but always ran from Michaelmas to Michaelmas. But the regnal years, dating as they did from the coronation of the reigning king, changed of necessity with each sovereign. Those, for instance, of Henry II began in December, while those of his successor Richard were reckoned from September 3. Now each roll was styled, and known as, the roll of a given year of a given king; but this meant the roll of the Michaelmas which fell within that given year. That is the essential point to remember. The roll, for instance, known as of 10 Henry II, would be the roll made up at the Michaelmas of his tenth year, namely Michaelmas 1164. Thus his regnal and his fiscal years differed by less than three months. On the other hand, his son Richard's first regnal year was September 3, 1189–September 3, 1190; but the roll of his first year was that of Michaelmas 1189, and covered the previous twelve months. There was thus almost a year's difference between the two reckonings. The editor, wholly oblivious of this, has dated the first fiscal year as '1189–1190' instead of '1188–9,' and



has projected this reckoning right through the reigns both of Richard and of John, dating every roll a whole year too late (pp. 9-12, 70-134). The strangest thing, however, is that Mr. Hall, who upholds Swereford when wrong, does not follow him here where he is right, and where he carefully explains the reckoning. Henry II died, he writes, 'post rotulum anni regni sui xxx<sup>mum</sup> iiij<sup>tum</sup> completum, propter quod intitulatur in eodem, *Rotulus regni Regis Henrici xxx<sup>us</sup> iiij<sup>us</sup> et ejus ultimus.*' The thirty-four rolls of Henry extend from 1155 to 1188, both inclusive, and the ten of Richard from 1189-1198, similarly. The first roll of John is that of Michaelmas 1199, not, as Mr. Hall makes it, for the year ending in 1200.

His disastrous misconception not only affects nearly seventy pages, but somewhat impairs his own arguments based on the supposed dates of the rolls. It is the more unfortunate, as the scutages under Richard are a matter of growing constitutional importance, while those of John, as is well known, were, from their amounts and the frequency of their incidence, a leading cause of the Great Charter, especially of its financial provisions. It is human to err; but I think that Mr. Hall, when he finds himself thus misled, with all his facilities and his knowledge, may consent to place less implicit a trust in those of whom he is, if not the apostolical, at least the official successor.

As compared with this, it is a small matter that, on p. 769, 'Anno Regis Henrici filii Regis Johannis ij<sup>o</sup>' is rendered in the margin '1200-1,' instead of '1217-8,' for it is clear that the editor here has merely misread his text. But one seeks to know why, on p. 774, no

date is assigned to the 'Rotulus quondam Roberti Mantel de firma comitatum Essex et Hertfordsiræ,' for the years in which a Robert Mantel was sheriff of Essex and Herts can be ascertained, and it is tantalising to read of 'the personality of this remarkable man—one of the few great financiers of the century' (p. ccliii), and not even to be told in what century he lived. There was a Robert Mantel who was sheriff of Essex and Herts from 1170 to 1181, one of the king's typical officials, who acted as justice itinerant, &c. But Foss dismisses him in a few lines, and no one seems to have heard of him as a 'financier' or a 'remarkable man.'<sup>1</sup> All that is certain is that more than half of what is here printed as his 'rotulus' (pp. 774–8)<sup>2</sup> is not his at all, for he was only responsible for the counties of Essex and Herts. By a similar editorial misconception, the knights' fees on pp. 743–6 are continuously headed 'Feoda de Reyleg, Peverel, et Hagenet,' to the utter confusion of the student, for, from 'Honore de Wormegeye' onwards, they have clearly nothing to do with either of those honours.

If 'editing' means anything at all, it means surely that the reader shall be able to tell from the text what is the nature and the date of the document he consults. Now it is scarcely credible, but none the less true, that Mr. Hall has printed as part of a *carta* of 1166 (pp. 357–8) a return of 1212 (p. 601). A reference to the relative entry on the roll of 1168, or even to his own text (p. 38), would have warned him at once of his

<sup>1</sup> His son and namesake held the shrievalty for two half-years, 17 John and 4 Hen. III (31st Report of Deputy-keeper, pp. 286, 287).

<sup>2</sup> Cf. p. 1, cxx.

error; but finding 'a rider' fastened on to a page in the *Liber Niger*, he seems to have jumped to the conclusion that it referred to a distinct fief, instead of being a return for the same one some half a century later.' That he has no suspicion himself that the two returns are identical (pp. 357-8, 601), is seen from his making the manor with which they close to be an Essex manor (p. 1220) in the one case, and Tuttington, Norfolk (p. 1189), in the other. Oddly enough it is neither, being that of Guton in Brandeston. On the opposite page (p. 600) we have a similar instance in the 'Honor de Kingtone quod fuit Adæ de Port.' The honour thus conspicuously entered is identified on pp. 546, 600 as that of 'Kington, co. Dorset,' and on pp. 489, 497 as of a place of that name in 'co. Wilts.' As a matter of fact, its *caput* was Kington, co. Hereford, on the Welsh border, which was the reason why Adam de Port returned his *carta* under 'Hereford in Wallia' (p. 279), why the 'Honor de Kinton' is similarly entered on p. 497, and why Adam is styled 'de Wallia' on pp. 64, 93, &c.

But to return to Heliun (p. 357). 'No piece of clerical labour,' Mr. Hall informs us (p. ccxix), 'was perhaps ever so ill performed' as the transcription 'into the Exchequer Registers' of the *cartæ* of 1166. It has proved a standing snare to antiquaries that 'later additions in the Black Book text' (p. liv), which were not part of the *cartæ* at all, 'have been incorporated in the current text of the Red Book,' while Hearne, when

<sup>1</sup> This has a bearing on the history of the MS. for an intelligent student. If the rider, as Mr. Hall holds, is in a hand contemporary with the rest of the *Carta*, then the *Liber Niger* text is not earlier than 1212—which destroys his whole theory of its date.



he printed the *Liber Niger*, did not distinguish, as he should have done, the original text from these additions. Dugdale himself, as Mr. Hall observes, was thus misled by the Red Book text into inventing an erroneous pedigree of Mortimer of Richard's Castle' (p. lv). It was therefore the first business of an editor claiming to produce 'an improved text' (p. ccix) of these famous documents to distinguish most clearly the contents of the *cartæ* themselves (1166) from the other entries which the Red Book scribe has wrongly mixed up with them. Mr. Hall accordingly warns us of these additions by foot-notes. But the Helion addition which has so misled him is followed, we find, by others which he has similarly failed to recognise. In fact, for nearly two pages (pp. 357-9) the text is not derived from the *cartæ*, though assigned, for the student's confusion, to '1166.' The 'Baronia Roberti de Hastings' is later than 1166,<sup>1</sup> while the three entries which follow it are typical later additions. This, to me, was so obvious that I referred to the *Liber Niger* itself, where I found the 'Barony' and them entered in another hand. Yet in this 'edition' of the text there is no mention of the fact; and those, therefore, who consult it must be always misled.

Let us take another instance. On p. 288<sup>2</sup> we find this remarkable entry:—

NOVUM APPOSITUM DE HONORE DE STRUGUILE.

Willelmus Marscallus comes Penbroc debet lxx milites et dimidium de honore de Struguille.

Idem debet ij milites de Castello Godrici.

Idem debet de Penbroc.

<sup>1</sup> As, indeed, is also shown by its absence from p. 38.

<sup>2</sup> '287' in Index.



Now as William Marshal was not an earl and did not possess this honour till a much later date than 1166, this entry, unique in form, deserves careful study. I referred, therefore, to the Black Book, and there discovered, firstly, that it is in the same writing as the *cartæ*, and secondly that the heading ('Novum' &c.) is not found there. Mr. Hall does not mention this important fact, although he has, professedly, collated the two texts. I need scarcely explain to the scholar the direct bearing on the study of both texts of the two facts which I thus discovered by referring to the MS. for myself. But can one place any trust in such 'editing' as this?

The fact is that the large space Mr. Hall devotes to controversy, to trying to extenuate or explain away the demonstrated errors of Swereford, has compelled him to discuss the character of his MSS. all too briefly. The student surely is less anxious for the editor's opinion on historical points, which he can examine for himself, than for a careful description of the original MSS., which he cannot easily consult.

But even where we are vouchsafed critical remarks on the MSS., these produce, when tested, a most disquieting effect. Let us take, for instance, this passage from his brief critical remarks on the work of the Red Book scribe (pp. liii-liv).

He even writes *Robertus* for *Folbertus* (p. 347. This looks as though the exemplar had '*Fobertus*'). The 'D' of the Black Book is remarkably like an 'A.' The Red Book scribe writes 'Avus' for 'D[omi]nus' regardless of the sense (p. 339). The former does not dot his 'i's' and makes his 'r' like an 'i,' the latter, who always changes 'i' into 'y,' writes *Danmaytin* for *Danmartin*.<sup>1</sup>

<sup>1</sup> The above brackets represent footnotes.

On referring to the two pages cited from the text, we first discover that the scribe has written, *not* 'Robertus,' but 'Rolbertus' (p. 347)—which destroys the inference as to the 'exemplar,' and in the second place that he has *not* written 'Avus' for 'Dominus' (which would have been right), but, on the contrary, 'Dominus' for 'Avus,' which, of course, is destructive of Mr. Hall's argument. Lastly, we find that, though 'Danmartin' occurs in its various forms over forty times,<sup>1</sup> in only one case (p. 409) is the 'r' altered to 'y,' and even there, Mr. Hall tells us, only 'partly' so!

May one not relieve the dryness of this technical inquiry by the quaint thought that pupils are learning how to edit MSS. at the feet of this 'professeur' of palæography and diplomatic?

Let us take a single passage as an instance of what Mr. Hall can make of his text. Among his 'proofs' that the Black Book MS. 'was compiled about the seventh year of the reign' of John (May 1205–May 1206) we find this 'remarkable evidence':—

In the charter of William son of Richard, an entry occurs, as a later addition, to the effect that William Briwerre holds Chesterfield by the service of one knight (p. 344). The grant of Chesterfield was made in the sixth year of John, and therefore it follows that the MS. in which this addition was made was written in or before that year.

Now the grant of Chesterfield was made 27 September 1204, so that, if the argument has any meaning, the MS. must have been written before that date, which, so far from proving, disproves Mr. Hall's con-

<sup>1</sup> There are forty-six references under it in the Index, but 'Daniel pincerna' seems to have slipped in among them by mistake.

clusion. But this is not all. The 'charter' is *not* that of William son of Richard, but of 'Ralf son of William' (and, indeed, not even his, for the heading in the MS. is wrong); and William Briwerre held by the service, *not* 'of one knight,' but 'of half a knight' (p. 344). Which proves that the editor, as we shall find, cannot even quote correctly his own printed text. But the climax is to come. William did, under this grant, hold Chesterfield &c. &c. by the service of one knight, as the Charter Roll proves. Therefore the Red Book text is wrong in reading 'Willelmus Bruerre dimidium j militis,' &c. Had Mr. Hall collated the Black Book properly, he would have found that for his 'dimidium,' it has only d', an abbreviation which the despised Hearne shrewdly suggested should be read 'd[ebet] i militem,' which gives us at once accuracy and sense. So too in the case of the reading 'Gilbertus filius Reinfridi de j milite' in the Red Book and Mr. Hall's text (p. 444), which is nonsense, the same abbreviation, according to Hearne, is found in the Black Book,<sup>1</sup> though unnoticed by Mr. Hall, and the right reading clearly is 'd[ebet] j militem.'

It is not possible, of course, without free access to the *Liber Rubeus* and the *Liber Niger* to collate these MSS. for oneself and test Mr. Hall's readings; but the freedom he allowed himself in extension is well illustrated by his now notorious three names 'Torp, Widone, Andegane,' for 'Torp Widon[is] Andegav[ensis].'<sup>2</sup> On p. 242 we learn that while the Red Book reads 'hæc,' the Black Book reads 'hæc.' The point of this variant

<sup>1</sup> In which I have verified his reading. (I cannot reproduce the abbreviation in ordinary type.)

<sup>2</sup> See *Genealogist*, July 1897.

is not obvious, and, as the word looks questionable, one refers to the Black Book, and there finds the abbreviation *h'*, which may stand for *hic*, *hæc*, *hoc*, and a dozen other things.<sup>1</sup> Again on p. 312 we find Hugh de Bolbec, bearer of a well-known name—derived from Bolbec in the Havre country, given as ‘Hugo Bolebache,’ as if the name were a *sobriquet*. We are told in a note that the *L. N.* reads ‘Bolebeche,’ but what it reads is ‘*de* Bolebeche.’ The climax, however, is reached in the statement that ‘both MSS. are utterly at fault with “Oinus Polcheard”’ (p. ccxcix), who, we learn, can ‘be easily identified with “Oinus Polcehart” or “Oinus serviens,” of the Pipe Roll of 1130.’ For, on turning to the text (p. 810) we discover that the Black Book reads, according to Mr. Hall himself, ‘Oinus Polechart,’ so that no question can arise about ‘Oinus.’ And, when we further turn to the actual MS. of the Black Book, we read in its exquisitely clear writing, *not* ‘Polechart,’ but ‘Polcehart.’ Thus Mr. Hall, even here, where he makes a special point of the text, cannot read his MS. aright.

Really, one begins to ask the question whether this lecturer on palæography can even read the MS. before him.<sup>2</sup> On p. cciv, for instance, we find this passage:—

With respect to these [13 fees], Swereford significantly observes, in another place (fo. 118*d*) ‘Sed illos xiii [milites] attornavit [comes] ad servitium militare qui omnes non fuerunt milites.’

This sounded so suspicious that I turned to the passage

<sup>1</sup> Martin’s *Record Interpreter*.

<sup>2</sup> We find, in another place, Mr. Hall reading ‘arma,’ where his MS. has ‘Barone.’



cited, in the official transcript, where I found it to run :—

Sed illos xiii attornavit comes<sup>1</sup> ad servitium militare q<sup>1</sup> an' non fuerunt milites.<sup>2</sup>

Now *an'* is a recognised abbreviation for *ante*,<sup>3</sup> which makes sense: it cannot stand for *omnes*, which, further, makes nonsense. Mr. Hall, consequently, reads *omnes*.

Nor is this all. Swereford's 'significant' observation, as usual, proves to be merely part of his analysis of the Arundel *carta*, in which these fees are thus spoken of :—

Et Rex Henricus dedit de suo dominio quod Comes attornavit ad servitium militare. . . .

Et sunt xiii qui per manum Comitum de dominio suo positi sunt ad servitium militare (pp. 201, 202).

Swereford, therefore, tells us nothing: he merely paraphrased the *carta* before him.

As has been well observed by the Royal Historical Society :—

It is useless to spend hundreds and thousands of pounds (as we have done, and in some cases are still doing) on the publication of historical texts, the editors of which possess the most imperfect knowledge of palæography. The result is seen in an ignorance of the best MSS., in wrong extensions of names and places, and in many topographical and philological absurdities. Now the best French scholars have strenuously insisted . . . that . . . the editor must interpret the cipher of the scribe by means of the most approved methods of historical, genealogical, topographical, and philological learning. The attention of the Fellows of the Royal Historical Society is called to this subject,

<sup>1</sup> There is no occasion to supply this word.

<sup>2</sup> The folio of the Red Book (see Transcript) is not 118d, but 218d, and the reading *an'* is perfectly clear in the MS.

<sup>3</sup> See Martin's *Record Interpreter*. The official transcript gives the abbreviation in record form.

because it is one which will inevitably attract much notice during the next few years.<sup>1</sup>

This prophecy has proved perfectly true.

Another test of Mr. Hall's capacity to edit a mediæval MS. is afforded by that important document the 'Constitutio domus regis,' of which the text is found both in the Red Book and the Black Book. No one can collate these texts, as Mr. Hall has done, without seeing clearly that the Black Book has the best text. Bearing in mind this superiority, we may approach the editor's hypothesis on page ccc:—

There is another doubtful reading of the text which has hitherto escaped attention. The Red Book, under the head of the Marshal's office, mentions the *Hostiarii militis Episcopi*.<sup>2</sup> The Black Book has the reading *milites ipsi*; but it seems more probable that the officers referred to are Bishop Roger's deputies (the technical meaning of *milites*), namely his nephew Nigel and Osbert Pont de l'Arche, who, as we know from the pipe rolls, were custodes of the Norman Treasury; and this explanation accords well with the pointed allusion to the rare attendance of the Treasurer himself in the Norman household (p. ccc).

It is desirable to print the texts side by side:—

#### BLACK BOOK.

Hostiarii milites ipsi in domo comedent, et unicuique hominum suorum iij ob. in die et viij frustra candelorum. Gilebertus Bonus Homo et Ranulfus in domo comedent, *et iij ob. hominibus suis.* Alii Hostiarii, non milites, in domo comedent sine alia liberatione (Hearne, p. 355).

#### RED BOOK.<sup>3</sup>

Hostiarii milites ep'i in Domocommedent, unicuique hominum suorum iij ob. in die et viij frustra candelarum. Gilbertus Bonus Homo et Radulfus in Domo comedent sine alia liberatione (p. 812).

<sup>1</sup> 'The progress of historical research' (*Transactions*, ix, 274).

<sup>2</sup> But according to Mr. Hall's text (p. 812) the Red Book reads, 'Hostiarii, milites ep[iscop]i.'

<sup>3</sup> Mr. Hall's text.



Apart from the superiority of the Black Book text throughout, it is obvious that in this passage the Red Book has a grave omission.<sup>1</sup> And yet Mr. Hall deliberately selects the reading in the worse text. Now observe what his theory is: he holds that 'the treasurer' was Bishop Roger, and that the 'milites ep[iscop]i' were the deputy treasurers. But the clause has nothing to do with treasurers; it deals with the ushers (*Hostiarii*). Indeed, Mr. Hall himself, in his analysis (p. ccxcii), renders the word 'Ushers [of the Treasury].' Ushers are not Treasurers, and never were. We need not, therefore, waste time by explaining that Mr. Hall's reading would make nonsense of the Black Book text, or by proving the incorrectness of the statement that 'deputies' is 'the technical meaning of *milites*.'<sup>2</sup> The point one has to insist upon is the utterly uncalled-for character of the wild suggestion heralded by the words: 'it seems more probable.'

Such instances as this may render us disposed to extend the time limit in this extract from an article assigned to Mr. Hall himself:—<sup>3</sup>

We must have more texts and better texts to work from. We must resolutely discard the useless editions of our national Records prepared by the well-meaning official antiquaries of the first half of the present century.<sup>4</sup>

One of the closest and most important parallels in the *Dialogus* and the *Constitutio* is found in the passage relating to the Marshal and the tallies:—

<sup>1</sup> Compare p. 4 above.

<sup>2</sup> We are referred, for this assertion, to 'Dialogus, i, 3.' But the chamberlain's 'milites' there mentioned were so called, not because they were his deputies, but because they were *knights*, bound to have horses and arms, and paid 'ratione militiæ.'

See *English Historical Review*, xiii, 149.

*Quarterly Review*, no. 367, p. 138.

## CONSTITUTIO.

Magister Marescallus  
 . . . debet habere dicas de  
 donis et liberationibus que  
 fuerint de Thesauro Regis et  
 de sua Camera ; et debet  
 habere dicas contra omnes  
 officiales Regis, &c.

## DIALOGUS.

Marescalli cura est taleas  
 debitorum quas vicecomes  
 reddiderit, quæ tamen annot-  
 antur in rotulo, mittere seor-  
 sum in forulo suo.

The important point is that the Marshal is here connected with the keeping of the tallies (which were sometimes called '*dicae*').<sup>1</sup> Mr. Hall, accordingly, rightly points out, as to the '*Tallator*' mentioned in the *Constitutio*, that 'the presence of this officer is explained by the reference to the *dicae* used by the Marshal.' But no sooner has he made this just remark than he suddenly proceeds :—

For other reasons, however, it would be more convenient to suppose that *dicas* stands for *decimas*, the allusion being to the official fees which were certainly taken at a later date at the Receipt (p. 973).

How characteristically hopeless ! No clue is given us as to the 'other reasons' which require this violence to the text ; and all that we can find on p. 973, is that the Chamberlains, *not* the Marshal, were charged with exacting, *not* '*decimas*' (!), but '*graves fines et redemptiones*,' and did so '*propria auctoritate*,' *not* in right of their office, and *not* for the matters spoken of in the *Constitutio*. Could any emendation of the text be more wantonly wrong-headed ?

<sup>1</sup> It is particularly interesting to find, towards the close of the fourteenth century, direct evidence that, at that date, it was the function of the Marshal's deputy at the Exchequer that he '*auera la garde des foilles et tailles qui sont alloues en mesme la place*' (Nero D. VI, fo. 88).

Perhaps, however, the climax of error is attained in Mr. Hall's treatment of Swereford's word 'præmissa.' On p. 689, Swereford argues, from an entry on the rolls, that certain 'præmissa scutagia' must be 'de exercitu Tholosæ.' From his use of 'præmissa' on pp. 696 and 697<sup>1</sup> we learn that he means thereby some preceding entry, precisely as, on p. 580, 'summa xiii præmissorum' means 'of the 13 preceding [entries].' Now on p. 689, we have three preceding entries of scutage, and it is to these that Swereford's note obviously and clearly applies.<sup>2</sup> Mr. Hall, however, quotes the words 'præmissa scutagia' (p. 689) as 'promissa scutagia' (p. clxxii), and proceeds on this misquotation of his own printed text to announce a great discovery :—

At last then we can clearly distinguish between the two separate assessments for a typical campaign between the middle of the twelfth and the middle of the thirteenth centuries. On the one hand we have the *promissa* or other compositions in lieu of personal service, &c. &c. (p. excii).

No one, surely, can pretend that criticism is not called for when such theories as this are advanced in official works, not as mere speculations, but as historical fact. The ridiculous word on which it is based occurs, I believe, no fewer than ten times in Mr. Hall's preface. To those who are competent to grasp all that such a blunder means it may seem that I have treated too seriously this official production: the only doubt that remains in one's mind is whether to describe such editing as this as a farce or a burlesque.

<sup>1</sup> In the unpublished portion of this section of the Red Book he again uses it in this sense under 24 Hen. II:—'Idem quod in p[ræ]missis.'

<sup>2</sup> The reader should be warned against the misleading reference appended to 'Tholosæ' at foot of p. 689. It should be deleted.

What can be the explanation of these singular perversions? It must, I fear, be sought in a kind of intellectual flaw, some radical defect in that faculty of exact perception, which is absolutely essential to the editor of a corrupt and derived manuscript. Mr. Hall is apt to see, not the words before him, but something more or less different, something affected, even distorted, by an intervening medium. Take the case of *Quarr Abbey v. Adam de Stratton*, tersely but accurately described in a Record Office calendar as 'concerning the rupture of a writing.'<sup>1</sup> Mr. Hall, who has dealt specially with the matter, first writes thus (p. cccxvii):—

The most curious part of the story is that Adam was actually convicted and imprisoned on the prosecution of this very abbey for forgery of their charters (*Abbreviatio Placitorum*, p. 196 b).

To me, the most curious part of the story is that when we turn to the passage cited, we find there not a word about the forgery of charters. Nay, so utterly reckless is the editor, that, a few pages further on (p. cccxxii), he gives us quite a different version of this same trial:—

The criminal proceedings against him on the prosecution of the abbot of Quarr took place in Easter term of this same year (7 Edward I), and the record informs us that he was convicted by a jury of having mutilated the seal of a charter granted by the Countess of Albemarle to the abbey in order to support the case of his patroness (*Coram Rege Roll*, Pasch., 7 Edw. I, rot. 12).

If we refer to the roll cited, even this is not correct, for no seal is mentioned in it: what was torn was the

<sup>1</sup> *Calendar of Patent Rolls, 1461-1467* (p. 557).

charter itself. It is doubtful, however, if the editor can even have looked at the roll, for Adam was not convicted 'in Easter term,' but as early as January 2 (1279).<sup>1</sup>

In such a case as that on p. 661, where the text makes nonsense—'sed episcopus dicit non habet nisi 1 milites'—we have actually only to turn to a note on p. 13 to find, from Mr. Hall's own words, that he has himself made it nonsense by omitting the word 'ut' in the manuscript before him.

Again, on p. 670, Swereford has a most unintelligible note (marginal, though Mr. Hall omits to mention it) charging with error the roll of 1156, 'quia hoc scribitur Eiton pro Houtton.' For proof, he refers us to the roll of 1157, where he reads 'Wendovre et Eyton' (p. 683). Mr. Hall quotes in his preface (p. ccxv) the latter passage from the text, but gives it as 'Wendovra et Heitun' (*sic*). Swereford's point is incomprehensible, but it turns, at least, on a confusion between 'Eiton' and 'Houtton,' which makes Mr. Hall's inaccurate quotation peculiarly unfortunate. My remaining illustration is taken from the preceding page of the preface. Mr. Hall having claimed for the annotations, in this portion of the work, 'a certain interest and value from the authority of Swereford's official position at the Exchequer,' invites our attention to 'the long note on the practice of putting the Danegeld in charge when the writer was at the Exchequer, under William of Ely, in the reign of John.' Danegeld under John? The historical student, surely, will rub his eyes. For, as, in another place, Mr. Hall himself observes, 'the Danegeld ceased to be put in charge after the year

<sup>1</sup> See also *Genealogical Magazine*, vol. i. p. 1 *et seq.*



1163' (p. cclii). Reference to the note itself (p. 659) proves that Mr. Hall has simply misread it. Are we not compelled to infer that an editor who cannot quote correctly even his own text must, from some mental peculiarity, be almost incapable of accuracy? <sup>1</sup> And if he can thus misquote his text, we cannot wonder that he should misapprehend the criticisms to which it is exposed.

How, indeed, can Mr. Hall understand the arguments of others, when, as I shall now show, he cannot understand his own? Of this we have an instance in his 'startling' theory, as he terms it himself (p. lvi), of a lost 'exemplar,' intermediate between the text of the *cartæ* in the Black Book and that in the Red Book. To avoid the possibility of misrepresenting that theory, I will quote his own words:—

The theory in question may be stated briefly as follows : that the text of the Barons' charters in the Red Book was transcribed, not from the Black Book text, but from another MS. by the same hand, written at a later date and embodying the later additions posted in the original (p. lvi).

Whether right or wrong, this is a novel theory, which has to be discussed on its merits. It is again stated thus, a little further on (p. lviii):—

If, therefore, we could suppose . . . that another MS. of the Barons' charters was written at the close of the reign of John . . . we might readily believe that this MS., and not the existing Black Book, was the exemplar used by the scribe of the Red Book about the year 1230.

A footnote, appended to this paragraph, refers to a

<sup>1</sup> There is reason to believe, as I show below, that Mr. Hall has derived a '200' (? ducentos) from the 'ducendi' of his own text !

different view of my own (which need not detain us) and adds:—

It will be observed, however, that this conclusion affects only the text of these Barons' charters, and not the view of the Red Book at large, as a transcript from an earlier Exchequer Register, which has been advanced here (p. lix).

But it will be seen that Mr. Hall, here, has advanced no such view: his argument, as set forth by himself, affects only, and is merely based on, the text of the 'Barons' charters.'

We find the same confusion of thought on p. clvi, where he admits that the charter he is trying to impugn as an anachronism 'is referred to in a bull of Pope Lucius II dated in 1144 and in another bull,' but suggests that these bulls might be 'confirmations of forgeries.' But if the impugned document was already in existence in 1144, whether genuine or not, the fact is sufficient to disprove his argument that its language is of much later date.

Again, on the very important question of the 'later additions' to the Black Book text of the *cartæ* 1166, his argument is hopelessly confused, as I have elsewhere shown in detail.<sup>1</sup> Under the heading:—'Date of the Black Book proved by the later additions,' he claims to have 'proofs that it was compiled about the seventh year of the reign' of John, and produces 'the following remarkable evidence':—

The grant of Chesterfield was made in the sixth year of John, and therefore it follows that the MS. in which this addition was made, was written in or before that year (pp. lvi-lvii).

<sup>1</sup> *Genealogist*, July 1897.



As this grant was made September 27, 1204, the MS. must, according to Mr. Hall, have been written before that date. And yet he proceeds to 'advance to the following definite conclusion, that in or about the year 1206 Swereford . . . compiled the existing Black Book of the Exchequer' (p. lxii)!

The fact is that these 'later additions' take us back not only to Richard's days, as in the case of the last two on p. 359, but much earlier still. For under Huntingdonshire (p. 372) we have four 'later additions,' and under Yorkshire (pp. 434-6) a whole string of them, which are taken straight from the Pipe Roll of 1168.<sup>1</sup> This is a *reductio ad absurdum* of Mr. Hall's argument, for it would prove 'that the MS. in which this addition was made, was written in or before that year.' Of course, the simple explanation is that the argument itself is all wrong, and misconceives entirely the nature of these 'later additions.'<sup>2</sup>

The 'startling' theory (p. lvi) of a now lost 'intermediate exemplar' (p. lviii) between the Black Book and the Red Book, from which the latter, as we have it, was compiled, is so novel and so important that it ought, at least, to be formulated with the utmost care and clearness. On p. lxii we find the 'definite conclusion' that Swereford 'in or about' 1212 'commenced a new work on a greater scale, which was the custumal known to Mathew Paris, and the probable exemplar of the Red Book of the Exchequer.' But on p. xxix it is argued

<sup>1</sup> There is no sign on Mr. Hall's part that he has grasped this fact.

<sup>2</sup> It is in connection with these additions that the fact noted by myself above (p. 26) of the Striguil entry being made in the original hand assumes unique importance.

that Richard Fitz Nigel (1171–1192) and Hoveden (from 1192) drew their documents from a source which was probably the custumal referred to by ‘Mathew Paris’; and on p. xxx we read :—

It is possible therefore that the Court historians of the latter part of the twelfth century were indebted to this lost work or to a kindred Register for other documents than those which are still preserved in the Red and Black Books of the Exchequer.

Now how could historians ‘of the latter part of the twelfth century’ avail themselves, in any case, of a Register which *ex hypothesi* was not even begun till about 1212?

It is obvious, therefore, that, from looseness or confusion of thought the editor cannot formulate or does not clearly grasp even his own argument on points of avowed importance.

Mr. Hall may pose as an authority on ‘diplomatic’ and palæography, but the student must really beware of him when he writes on mediæval MSS. For instance, he holds that, in the Red Book, the text of the ‘Dialogus’ was written ‘before 1227, for a report of the proceedings of the Council in that year is endorsed upon it in another, but a contemporary hand’ (p. lxi). Good. But on turning to the Hargrave MS., I found this note to be, there also, an addition in another hand, appended in precisely the same manner, at the tail of the ‘Dialogus.’ Therefore, by Mr. Hall’s argument, the Hargrave text also must have been written ‘before 1227’; and yet we find him assigning that text to ‘the middle of the thirteenth century.’<sup>1</sup>

<sup>1</sup> Dr. Liebermann, who holds that the Hargrave MS. was ‘written about 1260,’ seems to imply that it was simply ‘copied’ from the

The above note, I may add, is of very great importance for the history and relation of the MSS., as in both cases it closes with the words 'Alexandro [*i.e.* Swereford] . . . qui interfuit et hoc scripsit; cujus liber iste fuit' (p. 1010).

A brief inspection of the Red Book itself and of the Hargrave MS. in the British Museum, which it so curiously resembles, can be no substitute for that close acquaintance which an editor acquires by living, as it were, for years with his MSS. One may venture, however, to observe that the two features on which the problem of their relation, in my opinion, will be found to hinge are the personal note described above and the extracts from the Pipe Rolls with annotations which purport to be made by Swereford. Moreover I cannot find any notice taken by Mr. Hall of the remarkable allusion on p. 659 (fo. 186) to the 'Dialogus'<sup>1</sup> as 'libro superiori,' which bears directly on his conclusion that the main contents of the volume were not at first bound together, but were separate 'libelli' (pp. lxi, lxii). Of the Pipe Roll extracts I will only say that, in my opinion, they should be carefully collated with the text in the Hargrave MS., and that the results of such collation would, I think, be instructive. When we turn to the actual MSS., we are surprised to find that, while in the Red Book these abstracts (1-14 Hen. II, 19-24 Hen. II, 1-3 Ric. I) are found with intervals between them, in

*Liber Rubeus* (*Transactions of the Royal Historical Society*, VIII, 35). Mr. Hall, however, thinks it 'a copy made, not from the Red Book itself, but probably from the same exemplar' (p. li). I cannot find that he produces any reason for this view. Indeed, he observes that 'a careful examination failed to disclose any readings or variations of interest, but rather an aggravation of the worst errors of the Exchequer MS.'

<sup>1</sup> Folios 31 d-46 d.

the Hargrave MS. they are closely continuous. The latter fact is virtually fatal, as every expert will perceive, to Mr. Hall's conclusion that in 'the ultimate Exemplar,' from which he holds both MSS. to have been transcribed, this abstract 'was not an unfinished work' (p. cclxiv). Indeed, the fact is pregnant with suggestion. It is further emphasised by Mr. Hall's conclusion :—

It is quite clear that the scribe <sup>1</sup> made use of the Abstract of Sheriffs' farms or rather of the un mutilated copy which must have existed in the ultimate exemplar of the Exchequer text for the purpose of his compilation (p. cclxiv).

A very careful scrutiny of the text will lead to the conclusion that the scribe had before him only the abstract for the rolls of 1-14, 19-24 Hen. II, and not, as alleged, a complete one in some other Exemplar. There is a test passage on p. 796 :—

In Tindale xl. ut iiij<sup>o</sup> Regis Henrici, quæ dantur Regi Socie in xix<sup>o</sup>.

The King of Scotland's 10l. is found on the roll of the 17th year,<sup>2</sup> which makes it certain that the scribe had not an abstract for that year before him, and that his abstracts only recommenced in the 19th year, precisely as they do in the Red Book. The point, no doubt, is somewhat technical; but then Professor Tout has told us that 'the more technical Mr. Hall is the more satisfactory does his method seem.'<sup>3</sup> Such is professorial criticism.

<sup>1</sup> Of the Hargrave MS. document, pp. 779-797.

<sup>2</sup> 'Et Regi Scottie x li. in Tindal[e]' p. 75.

<sup>3</sup> *English Historical Review*, XIII, p. 148. It is interesting to find that the scribe reads 'Andreæ Botetorte' on p. 792, which is also the reading on p. 683, where a passage now lost on the Pipe

Before leaving this subject of the MS. itself, something must be said of the second section (pp. x-xix) of Mr. Hall's preface, because it is wholly erroneous from the beginning to the end. It deals with 'a question of the gravest importance in connection with its [the Red Book's] integrity,' namely the alleged loss of certain 'transcripts of documents' which it formerly contained. The first of these transcripts, we are told, is that of an Exchequer Record of 11 Edward III, the second is that of '*formulae* of mediæval oaths omitted,' the third is 'the order of Richard I's coronation omitted.' We will deal with them in order, the first of them in some detail.

In his introduction to the Year Book of 14 Ed. III (1888) Mr. L. O. Pike enunciated the startling proposition that 'the existing Red Book of the Exchequer is not the original *Liber Rubeus*' (p. xx). He claimed a certain record as 'a proof that the *Liber Rubeus* of the Exchequer, as known to Sir Edward Coke, and as known at the present day, is not the *Liber Rubeus* which was so called in the reign of Edward III, though it may possibly include portions of that book.'

My friend, the late Mr. Walford Selby, who was then about to edit the *Liber* for the Master of the Rolls, resented deeply this hasty conclusion that it was not the genuine original, and asked my opinion on the subject. The result was a letter from him which appeared in the *Athenæum* of November 10, 1888, in which he vigorously asserted the identity of the existing Red Book with that of Edward III's days, and urged

Roll (3 Hen. II) is supplied by Swereford. For there can be no question that 'Andræ' is a blunder for 'Amprido,' although Mr. Hall imagines the two men to be distinct (p. 1117).



that (as had been already suggested in print by myself) Mr. Pike had misunderstood the passage on which he relied.

There the matter dropped for the time, nor have I seen any subsequent attempt to dispute the identity of the existing Red Book.

Mr. Hall now comes forward with a new and independent theory. I must first explain—for no one would discover the fact from his preface—that he tacitly rejects as absolutely as did Mr. Selby himself Mr. Pike's discovery, and assumes throughout the *identity* of the existing Red Book. But he tells us that 'a question of the gravest importance in connection with its integrity' (*sic*) is raised by the disputed record. What then is this record? It is printed *in extenso* by Mr. Pike in his preface (pp. xxi–xxv), and proves to be an enrolment, on the *Memoranda* Roll of 11 Edward III, of a certificate from the Barons of the Exchequer in reply to a writ of the King (mentioning a previous writ), which writ they recite in full. The question turns on these words, which are found at the foot of the enrolment:—

Et memorandum quod breve prescriptum et aliud breve de quo fit mentio superius sunt inter Communia de hoc anno xj<sup>o</sup>; et cetera contenta in dicta certificatione annotantur modo specialiori in Rubeo libro de Scaccario et in Recordis et processibus habitis coram Baronibus ad placita ibidem.

According to Mr. Pike, these words prove that 'a contemporaneous entry was made in the *Liber Rubeus* of the period'; and yet the entry in the existing Red Book was, admittedly, made in the time of Henry VI. He concluded therefore, as we have seen, that the existing

Red Book was not 'the *Liber Rubeus* of the period.' Mr. Hall has a different explanation: according to him, the certificate was duly 'entered contemporaneously in the Red Book' known to us, but disappeared subsequently, and 'is only represented in the existing volume by a copy entered out of place in the reign of Henry VI.'

The whole difficulty, it will be observed, is caused by Mr. Pike's assumption, in which he is followed by Mr. Hall, that the Barons' certificate was actually copied into the Red Book in 11 Edward III, while the existing transcript found there is a century later in date. Mr. Selby and I agreed that this assumption was merely an erroneous deduction from the words quoted above.

Mr. Hall, however, referring to the letter which appeared in the *Athenæum* writes:—

It must be regarded as a fatal objection to a theory which has been strongly advanced in defence of the integrity of the MS. that the expression 'annotatur' is one of those most frequently used to denote an official enrolment,' &c.

Now, in the first place, Mr. Selby was defending not the 'integrity,' but, as we have seen, the *identity* of the *Liber Rubeus*, the only point that had been then raised, and one that was wholly different. Secondly, I must reluctantly observe, Mr. Hall here betrays his strange confusion of thought.<sup>1</sup> His so-called objection could only be 'fatal' if 'annotatur' always and exclusively denotes official enrolment. Now we have in this very volume conclusive proof to the contrary. A

<sup>1</sup> Compare p. 35 above.



note by Mr. Hall himself on p. 186 informs us that his title to the *Carta*

is taken from a heading on fo. 83 of the manuscript in a hand of Edward II. The full heading is as follows:—  
‘Certificationes factæ de feodis militum tempore Regis Henrici Secundi per prelatos et barones pretextu mandati Regis ejusdem *annotati alibi in hoc libro, folio videlicet xlviiº precedenti.*’

As the terms of this ‘mandate’ have not been preserved we eagerly turn to folio 47 for its ‘enrolment.’ But what we find there is neither enrolment nor writ, but merely Swereford’s narrative, in which he speaks of Henry II ‘publico præcipiens edicto quod quilibet prelatus et baro quot milites de eo tenerent in capite publicis suis instrumentis significarent’ (p. 5). So far from being an enrolment of the writ, this is nothing but a conjecture of Swereford as to what the tenor of the writ must have been, a conjecture, moreover, which is probably inaccurate.<sup>1</sup>

This evidence, it will be seen, is absolutely conclusive as to the loose use of the word ‘annotatur.’

We have then to see if the rest of the evidence is consistent with Mr. Hall’s interpretation. If we read the Latin with care, we see, in the first place, that the word ‘annotantur’ refers only to ‘cætera contenta,’ namely the lesser half of the document: and yet Mr. Hall and Mr. Pike would make it apply to the whole. Secondly, as Mr. Selby pointed out, the words ‘modo specialiori’ are absolutely without meaning if applied to a simple transcript. Thirdly, the most important point of all, though Mr. Selby failed to bring it out,

<sup>1</sup> See *Feudal England*, p. 237.

is that the Latin, if it speaks of entry, does not speak, as Mr. Hall represents, of entry or enrolment in the Red Book alone, but of entry there 'et in recordis et processibus habitis coram Baronibus ad placita ibidem.' This so obviously makes nonsense if we render 'annotantur' as he does, that he has to ignore the words! Such a method of dealing with one's evidence is, I confess, to me at least, no less disquieting than novel.

It can fortunately be shown that Mr. Selby's interpretation requires no such suppression of the evidence, but harmonises perfectly with the circumstances of the case. In their very remarkable and important statement, the Barons sturdily assert an ancient privilege of the Exchequer, as one of those which had been recognised from the Conquest, and of which the existence could be proved from the reign of Henry III. But they do so, as Mr. Pike observes, with 'a remarkable absence of detail and of all precise references.' Mr. Selby accordingly interpreted the above Latin note as meaning that the Barons' general assertions were set forth 'in a more detailed and special manner (*modo specialiori*)' in 'the Red Book and other Exchequer Records.' And, indeed, Mr. Pike himself admits that the privilege claimed 'can without doubt be traced back to the reign of Henry III in records which are still extant and which have been cited in Madox'; while 'the great precedent book of the Exchequer,' as Mr. Hall terms the *Liber Rubens*, contains not only the famous 'Dialogus' (of which, however, Mr. Pike does not think so highly as he does), with its assertions of Exchequer privilege, but those 'remarkable writs of Protection,'

as Mr. Hall describes them, 'that were intended to illustrate' the doctrine.

As for Mr. Hall's demonstration that 'the second writ referred to . . . is not the "cætera contenta," as has also been suggested,' Mr. Selby, at any rate, never made so obviously erroneous a suggestion. Nor can I imagine who did so.

I trust I have not intervened without a cause in a kind of triangular duel between officers of the Public Record Office. The importance of the point is fully admitted, and the fact that Mr. Selby is, unhappily, no longer alive to defend his view, has led me to show that it explains everything, and that the other interpretation proposed breaks down, when examined, completely.

The second case of alleged loss is that of 'the *formulae* of mediæval oaths.' This is easily disposed of. In addition to what was officially termed the 'Liber Rubeus de Scaccario,' there were, as Mr. Hall observes, many other 'Red Books':—

There was even in the fourteenth century at least one other Red Book in official custody, for we find in a contemporary record (34 Edw. III) the note that a recent eclipse of the sun has been duly entered in 'Rubeo Libro vocato Chronicles' (p. v).

Mr. Hall has also found, in a Wardrobe Account, a book officially (he tells us) known as 'Liber Rubeus qui vocatur textus super quem Magnates Angliæ solebant jurare' (p. xiii).<sup>1</sup> Is there one scrap of evidence that the book thus officially described was the Red

<sup>1</sup> I have examined the MSS. cited by Mr. Hall, but can only find this book once described as 'Rubeus.'

Book of the Exchequer? Absolutely none. The 'Liber Rubeus de Scaccario' was certainly not a *textus*, nor is there the slightest reason to suppose that any person, at any time, swore upon it any oath. And conversely, there is no evidence that the *textus* on which the Magnates swore contained the formulæ of any oaths. Yet, upon a strange confusion of thought Mr. Hall tries to base the identity of these volumes (pp. xii-xviii), and expends infinite labour on this baseless hypothesis.

This is an excellent instance of that misdirected toil which has been so freely praised by reviewers, because they are unaware that it is not only wasted, but misleading.<sup>1</sup>

The last 'instance of palpable omission' is that of 'the order of Richard I's coronation.' This I shall dispose of in another place. Mr. Hall admits that another conclusion might be drawn from the evidence (p. xix), but assumes, nevertheless, that the Red Book of the Exchequer did contain an 'order,' now lost, of Richard's coronation.<sup>2</sup> Indeed, he argues elsewhere from 'the remarkable instances of the loss of documents which are known to have been formerly entered' in the *Liber Rubeus* (pp. ccii).<sup>3</sup> The whole of the section devoted to that imaginary loss is the fruit of worse than useless, because misleading, toil.

I have spoken above (p. 47) of the writs of Protection for officers of the Exchequer entered in the *Liber Rubeus*. They afford instances of Mr. Hall's inaccuracy,

<sup>1</sup> See below, p. 58.

<sup>2</sup> 'The lost entry of the Coronation ceremony of 1189' (p. ccv).

<sup>3</sup> The argument is intended to show that a reference on p. 4 need not be to the *Dialogus*, as scholars have supposed. But it clearly is.

the more striking as he happens to devote particular attention to the subject. Describing these 'remarkable writs' as 'eight in number' (p. cccvi), he lays stress upon the 'fact that no inrolment of any one of the eight can be found in the Memoranda Rolls of the first or second years of Edward I, in which the greater number of them are dated' (p. cccvii). On turning to the text and to the table of contents we discover that three, out of the eight, are dated in the first year, and none at all in the second! Moreover, one of them in the table of contents (p. xci) is represented as dated '19 Edw. I,' although, as printed in the text (p. 829), it bears no date at all. Stranger still, in the elaborate biography given of Adam de Stratton, we read of him under Edward I:—

His name still appears in the Exchequer Records as 'clericus de Scaccario,' and *in the first year of this reign* he obtained a writ of Protection in virtue of his office of Chamberlain, to dispense with residence in his benefice in the diocese of Lincoln, this being one of nine [*sic*] such writs entered in the Red Book by way of precedents (p. cccxix).

For this writ we are referred to p. 827, where we duly find it—but undated. As Adam, in 1272–3, was only 'clericus de scaccario,' not yet chamberlain, we look with suspicion on the editor's date, and with something more than suspicion when we further discover that he inserts 'Oliver' as the name of the bishop to whom the writ is addressed. For Oliver did not become bishop till 1280; so that he could not be so addressed 'in the first year' of Edward's reign. His predecessor was Richard, whose name at once leads us to detect another blunder; for, in a writ of 1275 addressed to him



(p. 1012), his name is extended by the editor as 'R[oberto].'

I can truly say that hardly ever have I opened one of these volumes without lighting on a fresh example of this strange and hopeless confusion.

What are we to say of Mr. Hall's treatment of the mighty house of Clare? Earl Roger, its reigning head in 1166-1170, is identified as Earl *Richard*, under Hertford and under Clare, in the index; his uncle 'comes Gilbertus' (p. 351) is not identified at all; and the latter's son 'comes Ricardus,' the famous earl of Pembroke (p. 205), is not even indexed, either under 'comes' or 'Ricardus.' It was only by accident that I found him identified as an earl of Devon (p. 1288)—who was dead at the time of the entry! It is this wanton introduction of error that calls for such strenuous protest. Take for instance the family styled Fitz Gerold by Dugdale, which held that hereditary chamberlainship of the Exchequer on which, at a later stage, Mr. Hall has so much to say (p. cccxvi, &c.). The Red Book happens to contain valuable evidence on its members; but Mr. Hall, in his index, either omits it, or mangles it by wanton error. Thus, on p. 102 we find 'Galfridus filius Geroldi,' who ought to be (as on the Pipe-Roll) '*Garinus* filius Geroldi.' Mr. Hall indexes this entry as 'Galfridus filius Garini,' thus keeping 'Galfridus,' which is wrong, but wantonly changing 'Geroldi,' which is right, into 'Garini.' The same man meets us on p. 97 and p. 125, as 'Garinus filius Geroldi,' but neither of these entries is even to be found in the index. He meets us again as 'Garin filius Geroldi' on p. 111, and as 'Warinus filius Geroldi'

on pp. 119, 124, 135, 168, 169; and yet none of these entries is indexed, though the last shows us this important tenant holding no fewer than forty knights' fees. He is again unindexed, for his Essex fief on pp. 94, 175, 729;<sup>1</sup> so that there are here eleven entries (there may, of course, be others) wholly omitted in the index, to which we must add those relating to his earlier namesake on pp. 355-6. So too 'Radulfus filius Geri' (a scribal error, probably, for 'Geroldi') on p. 355 is an entry omitted in the index. But we have not yet done with this unlucky name.\* The return for the honour of Skipton in 1166 was made by its then holder, 'Alexander filius Gerini,' as he is entered in the text (pp. 430, 431). We have only to turn to the relative entry on p. 40 of this same volume to find him (rightly) styled 'Alexander filius Geroldi.' Yet Mr. Hall, in his index, makes the error worse, by wantonly changing the 'Gerini' of his text into 'Warini.' To leave an obviously corrupt name uncorrected is bad enough; but to increase the errors in the text by this perverse wrongheadedness is to make its official 'edition' absolutely worse than useless. And it is, throughout, because of this very perversity that so misleading an edition must be recalled and revised.<sup>2</sup>

But, it may be asked, if this book is so hopelessly wrong throughout, how could it evoke 'a chorus of praise,' or run, almost scatheless, the whole gauntlet of reviewers? The answer, I shall show, is perfectly

<sup>1</sup> This latter entry is at variance with that on p. 78.

<sup>2</sup> For further instances of the wanton confusion of distinct families in the Index, see my article in *Genealogist* (July 1897).



simple; and it raises, for historical students, a very important question.

The experts who are really competent to judge a work of this character, based as it is on a complex manuscript and dealing with recondite questions, are, at the most, probably, two or three in number. If such experts are, as I was, successfully prevented from reviewing the book, its errors have every chance of escaping detection. And this likelihood is vastly increased when, as in this case, the editor is accepted as an authority on his subject, when he has evidently devoted great labour to the work, and, above all, when his preface reminds us of his own words on Madox, who wrote, he says, on the Exchequer 'with greater show of learning than that bestowed on any single institution of this or any other country, but at the same time without being in the least degree intelligible to other than equally learned readers.' Indeed, I confess that I myself was, at first, completely imposed upon by the great 'show of learning' in the preface to the *Liber Rubens*. It is only when one checks that preface by testing and verifying its statements, that one finds section after section collapse and crumble into dust.

But the labour involved in such testing, page by page and line by line, is so prolonged and arduous that no reviewer will, or can be expected to, attempt it. To take a by no means extreme instance, we read, of a list of Cornish scutages on fo. 230 of the MS., that 'the reference to this abstract can be identified with the return of scutages for Cornwall in the eighteenth year of Henry II' (p. lx). The scutage recorded on the roll of the eighteenth year is, of course, familiar; but it could

not possibly include a return for 'Cornwall,' which had not yet begun to figure as a county on the rolls. One has, therefore, to turn to the MS. itself, where one finds the scutage marginally assigned to the thirty-third year, which, on reference to p. 61, is at once seen to be the right date.<sup>1</sup> It is thus that, at every step, Mr. Hall's statements must be tested.

Again, there is the 'show of learning.' How impressive, for instance, is the footnote evoked by this entry: 'Prior de Sancto Karlesio xl. in Coveham' (p. 801). Here 'Karlesio' will at once be recognised as a scribal error for 'Karilefo,' Covenham Priory being a daughter house of the abbey of St. Calais in Maine. Mr. Hall, however, appended this singular explanation:—

*Sic in MS. Read de Sancto — de Karleolo.* Probably the scribe of the ultimate exemplar wrote *Cuthberto*, and this was omitted in the immediate exemplar as a doubtful statement, the church having been traditionally founded by St. Cuthbert, but really dedicated to the Blessed Virgin.

Now Covenham had no more to do with Carlisle than had Macedon with Monmouth; nor is it easy to remember such misplaced learning since Mr. Hall's predecessor Hearne lighted upon Osbert 'Huitdeniers,' Becket's employer and kinsman, and, failing to recognise a nickname, thus solemnly expounded 'deniers':—

*Sed quid sibi velit 'denariata militis' ignorasse videtur Dugdalius, quam tamen is facile intelliget, qui cogitaverit 'denariatum' sive 'denariatam' vel 'denree' seu 'denier' terræ, &c. &c.*

<sup>1</sup> The passage is cited for a total (*summa*) obtained by Alexander (Swereford) of  $84 + \frac{1}{2} + \frac{1}{3} + \frac{1}{4}$  knights. Mr. Hall says the items make '81,  $\frac{1}{3}$  and  $\frac{1}{4}$ .' I have reckoned them very carefully, and make them  $82 + \frac{1}{2} + \frac{1}{3} + \frac{1}{4}$ , which shows how very easy it is to be mistaken in

Hearne's erudition, however, had not been 'made in Germany'; an 'ultimate exemplar' was beyond him.

This unlucky note has, it is true, been cancelled;<sup>1</sup> but another cries aloud for no less decisive treatment. It is the misleading note on p. 13, with which I deal in my paper on 'Alexander Swereford.' Here I will only refer to its extraordinary statement that the Roll of 2 Hen. II does not contain the acquittance of the Bishop of Worcester, although it is found in the Red Book extract on p. 661. One could hardly believe that, on the Roll, the words 'et quietus est' stared the writer in the face, did not one find him writing of the Red Book that 'in the present case a mediæval record was selected for publication for the first time in place of the usual chronicle or annals' (p. ccclxxvi). One has only to glance at any list of the works published in the Rolls Series, nay, one has only to turn to Mr. Hall's own words, to realise the character of this remark. For we are reminded on p. iii of the analogy presented to the *Liber Rubens* by such 'familiar examples' as Bishop Kellawe's Register. Another instance is afforded by one of those unlucky footnotes which have doubtless aroused the admiration of the too ingenuous reviewer. It will be found on p. 575, where we learn of the 'Honour of Boulogne' return that—

Another still earlier and hitherto unknown version is preserved at the end of the small Black Book of the Exchequer on the fly-leaves. The form and order of this interesting list differ entirely from that of the versions in the MS. and Testa, but the readings agree substantially.

these calculations. Swereford may have made his total 2 too much, and Mr. Hall  $1\frac{1}{2}$  too little.

<sup>1</sup> See Errata, &c. (p. 1366).

For 'this interesting list' is neither earlier (as can be shown) nor 'unknown,' having been duly printed by Hearne in his well-known *Liber Niger Scaccarii*, and also, actually, in the *Testa* itself (ii. 275; p. 274) where, indeed, it follows on the version referred to here by Mr. Hall, but has not yet, apparently, revealed its existence to his eyes.

And there is yet another, and still more impressive note, which still awaits the same sad, but inexorable fate. On p. 693 it tells us that—

In the so-called Scutages printed in Part I [p. 29] from a previous section of the MS., the totals for the 8th year of the reign [1162] are given by the author indiscriminately in marcs or knights by a common symbol M. This has been reproduced accordingly in the printed text, since *marca* and *miles* are here convertible forms, the assessment for one knight in this year being one marc, and it was evidently intended by the Exchequer scribes that the sum should be thus represented by a common symbol. A reference was, however, given in the above passage [p. 29] to this further abstract, which may be regarded in the case of these two counties as the decipher of the symbolic letters of the 8th year, &c. &c.

Now the letter 'm' of the 8th year (p. 29) stands, and can only stand, for *marcas*.<sup>1</sup> It therefore needs no 'decipher.' But even if it did, the above abstract could not, in any case, afford it. For, to take three entries running, Earl Aubrey's 'xxxi m' are deciphered as 'xxiiij milites et dimidium,' Earl Geoffrey's 23*l.* 6*s.* 8*d.* (i.e. 35 marcs) as 'xxxiiij milites,' and Walter fitz Robert's 'vj l. et j m.' (i.e. 10 marcs) as 'ix milites.' Is it not really intolerable that one should

<sup>1</sup> For instance: 'Willelmus filius Roberti vj l[*ibras*] et j m[*arcam*].'  
The sums are expressed in pounds, marcs, shillings and pence.

have to waste time and toil on these perverse comments which impose upon the student, till exposed, by pompous and pedantic verbiage?

That they do impose, not only on the student, but even on historical professors is seen—to cite no other names—by Prof. Tout's review of the work in the 'English Historical Review' (XIII, 144–150). We there read that—

It is impossible to speak too highly of the enormous pains taken by Mr. Hall in bringing before the public this great quantity of new material in a careful and scholarly form.

It would really be unkind to comment on this deliberate verdict in our leading historical organ, bearing in mind the revelations contained in these pages. When we are told of Mr. Hall's preface:—

There are admirable sections dealing with many of the subordinate subjects treated of in the 'Red Book.' The northern tenure of cornage, and its relation to castleward, the constitution of the royal household, . . . the wrongs of Isabella de Fors, . . . are handled with a wealth of illustration and precision of knowledge that leave little to be desired in all essential matters<sup>1</sup>—

we know what estimate to form of Mr. Tout's critical power. The section on cornage and its relation to castle-ward is, I can prove, an absolute delusion which merely introduces error, and my examination<sup>2</sup> of Mr. Hall's readings in the 'Constitutio domus regis,' and my analysis of his remarks on 'Isabella de Fors,'<sup>3</sup> which positively teem with blunders, place the writer of these lines in a most uncomfortable position.

<sup>1</sup> *E. H. R.* p. 148.

<sup>2</sup> P. 31 above.

<sup>3</sup> *Genealogical Magazine*, vol. I, p. 1, *et seq.*



Mr. Tout, it must be added, had read my article on Isabella de Fors, and was, therefore, fully acquainted with its destructive criticism, which was based, not on opinion, but on record evidence, and which in his 'reply,' Mr. Hall found himself unable, in a single instance, to rebut or even to impugn.

It is only, however, because of its appearance in the recognised organ of English historians that this review need detain us. The following extract is conclusive.

Indeed, the more technical Mr. Hall is, the more satisfactory does his method seem. The emendation of Dr. Luard's text of Wykes, which turns the misleading *monasterium Quarreriac* into the intelligible *ministerium Camerariac* is a brilliant piece of work. Equally fascinating, though not perhaps so convincing, is the reading *extra legem tota Marchia Walliac* for the obscure *ex legem totam Walliac*.<sup>1</sup>

We have merely to turn to 'Dr. Luard's text' to discover that it reads *monasterium Camerariac*, and that the above *Quarreriac* is a sheer invention of Mr. Hall's.<sup>2</sup> Of the other 'brilliant' and 'fascinating' example one need but say that *extra* is the word in Mr. Hall's own text (p. 762), and that *ex* (p. cclix) is merely the result of his strange inability to quote his own text correctly in his own preface.<sup>3</sup> Here then Professor Tout is convicted of accepting Mr. Hall's preface without an attempt to test it, with the natural result that his review is as worthless as it is misleading.

As one of many instances of misdirected labour<sup>4</sup>—

<sup>1</sup> *E. H. R.* p. 148.

<sup>2</sup> '*Quarreriac* should be *Camerariac*' (p. cccxvii).

<sup>3</sup> Cf. *supra*, p. 34.

<sup>4</sup> See p. 49 above.



'the enormous pains' praised by Mr. Tout—we may take the passage 'Willelmus de Pagrave dedit Gaufrido de Ver j m. ad exercitum de Sparle' (p. cclxxx). Mr. Hall is perfectly right in saying:—

Now, this army of Sparle should have taken its name from some objective point of the campaign (p. ccclxxxvi).

But he then proceeds:—

We may notice, however, that the returns of these military levies were made in connection with the Norfolk fees of the Earl of Arundel, whose Sussex tenants would be, and indeed were, subject to similar liabilities 'ad servandas marchias Walliæ.' This gives us a possible relationship between the military duties of the Norfolk and Sussex serjeants, so that we may reasonably conjecture that this 'Exercitus de Sparle' was a muster for the Welsh war at Sparle in Norfolk (*ib.*).

Now the Earl of Arundel had nothing to do with William de Pagrave or with Sparle. The latter was a manor held of the Fitz Alans by William de Pagrave;<sup>1</sup> and the simple explanation of the passage in question is that William gave a marc 'de Sparle ad exercitum.' The words need only be thus transposed to make the meaning clear. But Mr. Hall, admitting that the *Testa* disposes of his 'plausible suggestion' (about the Norfolk and Sussex serjeants), urges

that the proposition is not wholly an extravagant one appears from the historical instance of the ancient Auvillers serjeanty in the latter country [Norfolk] held by the service of conducting 200 serjeants to Wales (*ib.*).

To me the number of the serjeants in this 'historical instance' seemed so surprising that I turned to the text for the details. Unfortunately, though Bartholo-

<sup>1</sup> See Blomefield's *Norfolk*, VI, 125-7.

mew de Auvillers, the holder of this serjeanty, is found on p. 480, he is not indexed as there, but as on p. 638, where we find, not him, but a tenant in Normandy of a different name (who is not indexed). When we have found Bartholomew, we learn that his serjeanty was that 'ducendi serjantes in Wallia' (p. 458) or simply 'ducendi servientes' (p. 460). Neither here nor in the 'Testa' can we find Mr. Hall's '200.' Is it within the bounds of possibility that he has taken the 'ducendi' of his own text for an impossible 'ducentos'?<sup>1</sup> It is, indeed, scarcely conceivable, but the great 'promissa' blunder<sup>2</sup> proves him *capable de tout*.

We have seen above how wise may prove the restriction placed on footnotes by the rules of the Rolls series, and how easily its disregard may lead to the propagation of wanton error by an editor. And yet there are cases in which foot-notes are not only legitimate but desirable. For instance, when we read that the heiress of Boulogne married Reinald de 'Muntmartre,' a note that his name was Dammartin, not 'Muntmartre,' would be welcome. So too, when the text further informs us that her mother, King Stephen's daughter Mary, was 'Abbatissa Sancti Silipicii' before her marriage, we might have been reminded that she was abbess, not of St. Sulpice, but of Romsey.

There is no doubt that the 'Table of Contents' (pp. lxx-cxlviii), a work of great and meritorious labour, has impressed, and not unjustly, those who have reviewed this work. The amount of toil bestowed on it is obvious. But is it always trustworthy? 'The

<sup>1</sup> Cf. *supra*, p. 37.

<sup>2</sup> See p. 34.

famous convention of 'Falaise' as Mr. Hall terms it (p. xxviii) is cited by him as one of the documents which the chroniclers probably transcribed from an Exchequer register. One asks, therefore, from which Register? Now the Red Book entry of that document contains what appears to be unique information on the seals appendant to it. If we turn to the Table of Contents (p. xcix) we find not a word of this. The student is referred to books in which it is alleged to be printed, but he will not find there printed this unique matter. Again, if the acquittance printed on p. 1024 be compared with the relative entry on p. cxxviii, the misleading character of this abstract will cause us some uneasiness as to those documents which we cannot compare with their abstracts for ourselves. Here is another instance in point: On pp. 835-837 are some interesting tables of 'dietæ.' The 'dieta' was, as Ducange explains, a day's journey; and the entry here, 'pro qualibet dieta ad brevia portanda iijd' (p. 837), is in harmony with that explanation. Thus these tables record the number of days' journeys deemed necessary for reaching the different counties of England. By an incomprehensible misconception, the editor describes this in his Table of Contents (p. lxxi) as 'a scale of diets for accountants in the several counties of England allowed at the Exchequer.' It is, of course, nothing of the kind. On p. cccxxxvii, he is nearer the truth in describing it as 'a curious scale of diets or daily wages and allowances for the service of the writs and summonses of the Court.' But even this is not accurate, for the 'dieta' was the day's journey, of which the

number varied, not the uniform wages paid for that day's journey.<sup>1</sup>

With the Index I have dealt elsewhere already,<sup>2</sup> warning those who may consult it that its local identifications cannot have been, in test cases, submitted, as alleged, to scrutiny (p. ccclxxix). But I may now take another of Mr. Hall's selected instances:—

The Prior of Horton, who holds 'Teddington,' had no interest in Middlesex, but in the old Kentish manor of *Tinton in Ash*, which was once locally known as 'Titintone' (p. ccclxxxii).

This, as usual, is most impressive—until we turn to Hasted's 'Kent,' where we find the Prior's manor of Tinton lying, not in Ash, but far away, in Warehorne, under which its history is carefully traced down.<sup>3</sup> Why mislead the reader by placing it 'in Ash'?

At the risk of extending this paper to a disproportionate length, I must say something on a matter of importance, the great Inquest of Knights in 1166. Mr. Eyton alone, so far as I know, approached the question independently.<sup>4</sup> He seized on the internal evidence that one of the objects of the return was to secure the names of the under-tenants who had not yet done liege-homage to the king and his son, in order that they might be made to do so before the first Sunday in Lent.<sup>5</sup> Mr. Hall admits that the date of the returns is 'before Michaelmas 1166' (p. ccxix), so that the only question that could

<sup>1</sup> Further confusion is caused here, as elsewhere, by the marginal reference 'fo. 13d,' when the right one is 'xiiid' (as in table of contents), Mr. Hall having forgotten his double system of numbering.

<sup>2</sup> *Genealogist*, July 1897

<sup>3</sup> Vol. VIII, pp. 368, 373.

<sup>4</sup> *Itinerary of Henry II*, pp. 90–1.

<sup>5</sup> Mr. Eyton does not give his authority, but the return of the Archbishop of York (I, 412) is an instance in point.

arise is that of their date within that year. The returns had to supply the names of those who had not done liege-homage, and must therefore have been sent in before these defaulters could be ascertained and checked off at the homage ceremony or on before the first Sunday in Lent. Consequently, the returns must have been sent in before that date. This much, at least, is clear. Moreover, as the king left England 'circa initium Quadragesimæ,' the reason of his wishing to have the returns in time for the liege-homage to be done him not later than the first Sunday in Lent (March 13) is obvious. Yet Mr. Hall, writing with Mr. Eyton's book before him, asserts :—

Nevertheless a very general impression has existed that the writs issued from the Chancery and were returned to the king in person in time to be brought under consideration at the Great Council of March 13, 1166 (pp. ccxviii).

No such Great Council is known to history : so it is not easy to see how there can exist any 'general impression' concerning it. It seems to have been evolved by Mr. Hall out of some confusion, on his part, with the great Council of Clarendon earlier in the year.<sup>1</sup>

To continue the quotation :—

This view of the transaction overlooks the fact that the Chancery was at this time established at the Exchequer, and that since such writs as these would undoubtedly have been made out there and sealed by the Chancellor's clerk, the process of serving them and of forwarding and receiving the return would equally have been accomplished by recourse to the usual practice of the Exchequer. We have indeed almost positive proof that such was the plan followed on this occasion from the remarkable memorandum affixed in the place of the charter of Osbert son of Hugh, which

<sup>1</sup> See Eyton, pp. 39-90.



implies that when the Sheriff had delivered the charter in question at the (Easter) session of the Exchequer, it was found to be informally executed, and therefore the Sheriff was directed to take it back with him in order that it might be rectified and returned without delay (see also the case of Richard [*sic*] de Clare's charter (p. 410), which was apparently renovated in the same way).

As it is always well to verify the writer's references, we turn to the two cases he cites, only to find that the 'Memorandum' implies nothing of the kind.

Carta Osberti filii Hugonis est in defectu, quia in ejus carta, *quam miserat domino Regi*, non erat nomen præscriptum, quam secum tulit Willelmus de Bello Campo ut cum nomine scripto reportetur (p. 335).

We are not told that the 'charter' was delivered (1) by the Sheriff, or (2) at the Exchequer: we read, on the contrary, that it was sent to the King.<sup>1</sup> So also, the postscript of Roger<sup>2</sup> (de Clare) earl of Hertford is addressed to the king personally, and runs 'ego, postquam misi cartam *vobis*' (p. 410); there is nothing to show that his 'charter' was 'renovated,' or that it was treated 'in the same way' as that of Osbert son of Hugh. The fact is that Mr. Hall has ignored, not only Mr. Eyton's skilful inference from the fact that the king wanted the names of the defaulting under-tenants that he might secure their liege-homage before his departure from the realm,<sup>3</sup> but also his proof that the returns were hurried,<sup>4</sup> together with the fact that the 'hutch' to contain them was provided by the sheriff of

<sup>1</sup> William de Beauchamp carried it off (*tulit*) subsequently.

<sup>2</sup> Wrongly called 'Richard' by Mr. Hall.

<sup>3</sup> 'Quia vultis quod si aliqui ibi sunt qui vobis nondum fecerunt ligantiam et quorum nomina non sunt scripta in rotulo vestro, quod infra dominicam primam xlæ ligantiam vobis faciant' (p. 412).

<sup>4</sup> 'Prout brevitatis temporis passa est' (p. 413).



Wilts.<sup>1</sup> This last fact obviously implies that the returns were sent to Wiltshire (where the king was before his departure), and not to London. After the king had received them, and used them for his purpose, they would, of course, be preserved among the Exchequer records.

This must be my last instance of Mr. Hall's unhappy efforts to use the preface of an official work for the purpose of assailing the results obtained by the labours of others. Unable to grasp their arguments, or too self-satisfied to do so, he discovers 'positive proof' or 'a most decisive statement' (p. clxxiii), which enables him, he thinks, to destroy those results, and to substitute error in their place. We shall have tested in turn his 'legal decision,' his so-called 'fatal objection,' his 'clearest possible evidence'; and we shall have invariably found them to dissolve and crumble into dust.

Who would not be infinitely better pleased if one could award to Mr. Hall's volumes the meed which his enthusiasm invites, and which his labours go far to deserve? But the truth must be told. The net result of his 'edition' of the Red Book of the Exchequer is that, instead of increasing our knowledge, it has increased our darkness. It has been demonstrated by me in this paper, and in other special studies within these covers and without,<sup>2</sup> that its vast Preface is devoted, not only to assaults upon the truth, but to the most extraordinary tissue of guesses, conjectures, and

<sup>1</sup> 'Pro una huchia ad custodiendas cartas Baronum de militibus (Rot. Pip. 12 Hen. II).

<sup>2</sup> 'Alexander Swereford,' &c., in this volume; and 'The surrender of the Isle of Wight' in *Genealogical Magazine* (vol. I), and 'The Red Book of the Exchequer' in *Genealogist* (July 1897).

confusion that has ever appeared, to my knowledge, in any official work. On the Swereford question, no doubt, Mr. Hall is speaking to a brief. He starts with the *parti pris* that Swereford must be right; and he struggles to evade the facts that prove Swereford wrong. But on every other subject he is doubtless convinced that he is right. To him, therefore, no less than to others, the evidence here adduced may come as a startling surprise.

As I have already frankly recognised, Mr. Hall is lacking neither in industry nor in personal acquaintance with the records of the early Exchequer. Indeed, that acquaintance is probably unique. And that, alas, is the worst of it. It is possible to increase one's industry; it is possible to improve one's knowledge; but it is not possible to cure that looseness and confusion of thought which lies at the root of heresy after heresy in Mr. Hall's inflated Preface. Is there not reason to fear that he is constitutionally incapable of seeing the facts with which he has to deal in a cold, clear light? Without that power he can never hope to deal in the right spirit with points of difficulty and doubt. A man may postulate 'exemplars,' may have mastered the monographs of a Liebermann, may even lecture to others on Palæography and 'Diplomatic,' and yet in his conclusions be usually obscure and almost uniformly wrong. For we ask for more than learning. Clear vision, sound judgment, even intuition where the darkness baffles—these are the gifts the task requires; and when to these is added the power of lucid exposition, we exchange the *ignis fatuus* of rash and nebulous conjecture for the bright and steadfast rays of illuminating truth.

## ALEXANDER SWEREFORD.

IN no respect, perhaps, does the modern school of history differ more essentially from the old than in its critical treatment of authorities. As has been observed with truth by a writer in the 'Quarterly Review'<sup>1</sup>:—

History is, like other sciences, progressive. We no more think of relying for the elucidation of certain problems in constitutional and economic history upon the disquisition of an old-time antiquary than upon the precise and ingenious *Tractatus* of a mediæval clerk.

It has now long been recognised and preached by every historian worthy of the name that before an authority can be rightly used, its value must be tested and its character ascertained. When engaged in the study, from original sources, of the history, in England, of knight-service, I had accordingly to test the evidence of the only mediæval authority on the subject, Alexander Swereford.<sup>2</sup> In so doing I did but follow the instructions given to editors in the Master of the Rolls' series: namely, that the preface to each work should contain, with an account of the author, 'an estimate of his historical credibility and value.'

<sup>1</sup> 'New methods of historical enquiry' (*Quarterly Review*, no. 367, p. 136). Professor Tout observes that 'it would be an affectation not to identify' the writer 'with Mr. Hall,' the editor of the Red Book of the Exchequer (*Eng. Hist. Rev.* xiii, 149).

<sup>2</sup> See *Feudal England*, s.v. 'Swereford' in index.

One would have supposed that, in the present day, the need for such critical treatment was so universally recognised that it would be expected as a matter of course by every student of history. Certainly, no one could have imagined that it would arouse indignant protest from any writer claiming to occupy that position. To challenge my conclusions, to prove that Swereford was right in his statements where I deemed him wrong, was an obviously legitimate work; but to claim that his authority, because it was 'venerable,' ought not even to be questioned, to proclaim it, as it were, 'taboo,' is an attitude so amazing, so incomprehensible that to others as to myself it remains an absolute mystery.

Yet this, from the first, has been the strange attitude assumed by Mr. Hubert Hall. He adopts an indignant posture as the champion of 'the estimable Baron, who is now, alas! denounced as a venerable impostor.'<sup>1</sup> As an independent critic has observed, with perfect truth :—

he seems to be labouring under the delusion that Swereford's personal integrity has been attacked—that the 'Red Book' itself is under a cloud; and these ideas we believe to be groundless.<sup>2</sup>

King Stephen, we know, was 'a worthy peer,' but this does not affect our estimate of his reign; nor does the fact that Swereford may have been 'an estimable Baron'—and unrivalled, as Mr. Hall reminds us, 'in corporis elegantia, faciei venustate'—affect in the least the question of his authority on knight-service. Yet I have been sternly reprimanded for daring to question that authority :—

<sup>1</sup> *Liber Rubens*, p. clxx.

<sup>2</sup> *Athenæum*, 23 October, 1897.

In fact, we must regard this unprovoked attack upon our 'venerable authority' as a digression which merely produces a painful interruption of a learned and convincing argument.

Really, one knows not whether to grieve at the sheer wrongheadedness of such an attitude or to smile at its downright silliness.

Of the personal character of Swereford there is, of course, no question. But, to quote a phrase of Mr. Hall's, 'the question that we have to answer, and on which the origin and position of the Red Book of the Exchequer really depends,' is this: are we to treat Swereford's statements, on matters in the time of Henry II, as those of an original authority with contemporary knowledge; or was his information as to events in the previous century derived merely from rolls of the period, as accessible, for all purposes, to ourselves as they were to him? Historians, till quite recently, have failed to grasp this issue, and have, however unconsciously, adopted the former view. In my own study, on the contrary, I insisted on 'Swereford's own admission that he worked from the rolls alone,' and observed that 'we possess the advantage of having, in contemporary chronicles, sources of information which he did not use.'<sup>1</sup> Mr. Hall's rejoinder that 'he had voluntarily debarred himself from the assistance of chroniclers,' and with good reason, for "wonderful and fatuous" he had already discovered one of their favourite legends to be,'<sup>2</sup> serves but to illustrate his inexactitude; for the legend in question, Swereford writes, was a popular belief 'in ore singulorum tunc temporis

<sup>1</sup> *Feudal England*, p. 263.

<sup>2</sup> *Liber Rubens*, p. clxviii.



divulgatum,'<sup>1</sup> and was not derived from the pages of chroniclers.

For the orderly treatment of this enquiry, three arguments have to be considered: first, the argument of general presumption; second, the argument of special knowledge; third, the argument that Swereford's statements are, in the test cases, not mistaken but correct.

The first of these need not detain us; for, in my study, I frankly recognised that 'the presumption is naturally in favour of Swereford's knowledge of his subject.'<sup>2</sup>

The second can be brought to a definite issue; for this is Mr. Hall's case:—

There are several clear indications that Swereford had access to Exchequer Records which no longer exist. This is seen in his explanation of the Bishop of Worcester's indebtedness (p. 13). Cf. also his references to the Exactory Roll and Danegeld Roll, now completely lost to us (p. 659).<sup>3</sup>

We will take first the last of the three. Swereford's reference to the Danegeld Roll consists of the decisive words, 'illum Rotulum non vidi' (p. 659). Comment here is, obviously, superfluous. Of 'the Exactory Roll' one cannot speak so briefly; and yet the facts are clear. Swereford has to employ exactly the same method as any modern student would employ—as I have employed myself—to ascertain the 'summa' of the county ferm. Had he had at hand the 'Rotulus Exactorius,' for the early years of Henry II, he could have obtained from

<sup>1</sup> *Liber Rubeus*, p. 4.

<sup>2</sup> *Feudal England*, p. 263.

<sup>3</sup> *Liber Rubeus*, p. clxvii.



it at once the 'summa,' which, on the contrary, he had thus laboriously to seek. His words are:—

*Ideo apposui plene hoc secundo anno corpora comitatum et exitus Danegeldi, ut ex particulis possit summa probari utriusque* (p. 659).

Strictly in accordance with this principle, we find him adding up the details, and writing:—'Fuit ergo summa' (p. 660) . . . 'Fuit ergo summa totalis' (pp. 664–5), &c. It is obvious from this that he had only the same means of obtaining the 'summa' as any modern student.

The third proof of his special knowledge is, we have seen, 'his explanation of the Bishop of Worcester's indebtedness.' The passage referred to is Swereford's version of an entry on the roll of 2 Hen. II. That version runs thus:—

*Episcopus Wigornensis xl., cum perdonis ibidem annotatis. Sed idem Episcopus calumniatur quod non debet nisi l milites—xl milites* (p. 13).

This, no doubt, makes nonsense. But it only does so because, by an incomprehensible blunder, Swereford has twice over written 'XL' (40) for 'LX' (60), the sum accounted for on the roll (as Mr. Hall admits) being 60*l.* The converse error is found on p. 680, where Swereford adds up 40*l.* odd as 60*l.* 0*s.* 6½*d.* (i.e. 'LX' for 'XL'). Mr. Hall, observing the latter discrepancy, had added '*sic*' in a footnote; but in the former case he was, perhaps, unwilling to admit so gross a blunder on the very first page of the list of scutages. He appends, therefore, this amazing note:—

This entry is very obscure. In the Roll the Bishop pays 40*l.* 10*s.* into the Treasury, and 19*l.* 10*s.* are pardoned him. Presumably therefore he was quit,<sup>1</sup> but the Roll leaves this blank.<sup>2</sup> In the 'Abstracts of the Pipe Rolls' fo. 186 of the MS., the acquittance is given (probably from the Chancellor's Roll now lost) with the note, *sed episcopus, ut dicit, non habet nisi l milites. Summa militum integra lx; calumpniatur x,*<sup>3</sup> thus clearly explaining the incident.

Now observe that no explanation is required of the passage—when correctly given. The difficulty is solely caused by Swereford giving it incorrectly. And even if this were not so, Swereford's vaunted 'explanation' proves no special knowledge: it is merely derived straight from the Roll.<sup>4</sup>

A precisely similar illustration is afforded by Swereford's 'abstract of the Pipe Rolls' in two other places. Mr. Hall, dwelling on the value of its 'historical allusions,' writes as follows:—

There are some interesting references to the 'guerra,' or civil war, which is the feature of the original Pipe Roll, 19 Hen. II. Thus, 'Non redditur compotus hoc anno de honore comitis Con[ani] nec de feria Holandiæ propter guerram Leicestriæ.' The 'Leicester War' is a new and graphic phrase. Also, 'Nota quod hoc anno computat Reginaldus de Cornhull de anno præsentis et præteriti, quia totus ille fuit in guerra' (p. ccxiv).

As to the first of these passages, a default 'per werram Leg[recest]rie' is duly entered on the roll of 1175,<sup>5</sup> so that there is nothing new in the phrase. As to the second, it merely refers to this entry on the Roll:—

<sup>1</sup> This, it will be seen, is a tacit admission that the right total is 60*l.*, not 40*l.* (as given by Swereford).

<sup>2</sup> This is an amazing statement. The Roll appends the words 'Et quietus est' at the close of the entry relating to the Bishop.

<sup>3</sup> This passage is found on p. 661 of the text, where the omission of the 'ut' makes it nonsense.

<sup>4</sup> Compare p. 30 above.

<sup>5</sup> 21 Hen. II (Ed. Pipe Roll Soc.), p. 8.

Gervasius (*sic*) de Cornhilla reddit Compotum . . . de firma anni preteriti quia totus fuit in Werra.<sup>1</sup>

Now the first point to be noticed here is that, by some inexplicable blunder, this 'interesting' annotation substitutes *Reginald* for the well-known *Gervase* of the Roll. As I cannot suspect even Mr. Hall of such a misreading as this, I am driven to assign it to Swereford, who was doubtless thinking of Reginald de Cornhill, a later sheriff.<sup>2</sup> But this, though bad, is not the worst. The shrievalty of Gervase closed at Michaelmas 1174: he accounted at Michaelmas 1175 for the year ending Michaelmas 1174 (when he was busy with the war) but *not* for the year ending at Michaelmas 1175 ('de præsentī anno'), when Robert fitz Bernard was sheriff. How did Swereford come to make this additional blunder? We can, I think, account for it. The Kent roll of this year opens thus:—

Gervasius de Cornhilla reddit compotum . . . de veteri firma tertii anni. . . .

Et Idem de *Nova* firma anni preteriti quia totus fuit in Werra.

The '*Nova*' is an obvious blunder of the scribe, which, on the Chancellor's Roll, has been marked for deletion.<sup>3</sup> Swereford, however, must have read the roll in so rapid and perfunctory a manner that he failed to observe this blunder, and consequently read '*nova*' as referring to the ferm '*de anno præsentī*' (1174–5).<sup>4</sup>

But what are we to say of his editor, who selects, as illustrating his knowledge, a passage which is merely

<sup>1</sup> 21 Hen. II (Ed. Pipe Roll Soc.), p. 211.

<sup>2</sup> From 5 Ric. I to end of John's reign (31st Report of D. K.).

<sup>3</sup> P. 207.

<sup>4</sup> This seems to imply that he worked from the Treasurer's Roll.

copied from the roll, with the addition of two gross and singularly careless blunders? As with the scutage of the Bishop of Worcester, the blunders of Swereford are actually adduced as proofs of his special information! Is it not obvious that the editor has approached Swereford's authority, not with the intention of appraising or checking it, but with the resolve to uphold it even at the cost of the facts?

It is needless to multiply such instances; but one may cite another of the notes to these 'abstracts,' which 'acquire a certain interest and value from the authority of Swereford's official position at the Exchequer' (p. ccxiii). It is this:—

There is an interesting note as to the duties of the Usher of the Exchequer, as described in the *Dialogus*. It appears from this notice that he was not only expected to serve the summonses, but also the other writs of the Exchequer, a circumstance not stated in the treatise, and which was unknown to Madox, as well as contrary to the later practice of the Exchequer (p. ccxiv).

No reference is here given; but I succeeded in identifying the note in the official transcript of the MS. Here again the special information is found to proceed, not from Swereford, but from an entry on the Pipe Roll of 21 Henry II:—

Et Helie ostiario I marcam ad portand' summonicionis de Danegeld per Angliam per breve Regis (p. 15).

Swereford noticed this interesting entry, exactly as a modern student might have done, and observes, against it, that it proves—

non solum propter summonicionis compotorum vicecomitum de comitatibus dari marcam ostiario, sed etiam pro aliis brevibus portandis.<sup>1</sup>

<sup>1</sup> It is singular that Swereford did not notice the more striking fact of Danegeld being mentioned so late as this.

Another instance in which a significant observation of Swereford, as Mr. Hall terms it, is found to be nothing but a paraphrase of the Record before him is treated of above (p. 30).

We have now seen that even in the cases selected as proofs that Swereford's work is based on special knowledge, we can trace his information to records as accessible now to ourselves as they were to him; and we have further seen that, so far from supplementing their evidence, he could sometimes confuse it by blunders, due to his own carelessness.<sup>1</sup>

We pass, therefore, from the general question to the special instances in which I have impugned Swereford's knowledge and authority.

Mr. Hall calls on us to see in Swereford the inheritor of that 'science of the Exchequer in which Bishops Roger and Nigel, and even Henry of Winchester, were so fully versed,' . . . 'the last of a long line of literate clerks reaching back, through an unbroken tradition of Exchequer practice, to the opening years of the twelfth century.' He is accordingly indignant at that 'severe and searching criticism,' which 'a modern student' has dared to apply to 'a writer who has enjoyed the highest credit for accuracy with contemporary and modern writers alike,' and who is now charged with 'an absolute incapacity for dealing with the subject matter of his monumental work.' His hero is accused of 'wholesale blunders in

<sup>1</sup> An instance will be found in his erroneous entries for Robert de Praers on pp. 24, 696, which are moreover (like 'Burchhillun') of real importance for tracing the relations of different parts of the Red Book to one another.



the method of interpreting his own records—blunders which were overlooked by Madox and Hunter, and practically by every subsequent writer on the same subject'; and Mr. Hall devotes no small portion of the limited space available for his Preface to showing that, even for an historical sapper, Swereford's authority should be sacred.

Before approaching Mr. Hall's vindication, it will be well to show that the confidence of his conclusions may be in inverse ratio to their correctness. For this will enable my readers to judge what weight should be attached to his remarks.

In his earlier papers on the Exchequer system, he denied 'the employment of a "chequered" table in early times at the Exchequer,' insisting that though 'nine people out of ten, misguided by a preconceived theory, have developed squares, marked out on the board, to assist calculation,' yet the table was simply divided into parallel columns. This theory, though 'wholly unorthodox,' was based on 'mathematical demonstration,' and was 'the only natural, nay, possible one from every point of view': indeed, 'none could possibly carry out the known plan of calculation on any other showing.' We should not lightly dismiss this theory: the point is fairly arguable. But it is the writer himself, in his 'Antiquities and Curiosities of the Exchequer,' who throws it overboard. We there read of the 'chequered table' (pp. 65, 68), and are explicitly informed that it was 'divided into squares.' Nay, we are even given an entirely new diagram, in which the table is shown so divided. Unfortunately, the old diagram, showing it



divided into columns, figures in both his papers published by the Pipe-Roll Society.

Again, in his 'Court Life under the Plantagenets' Mr. Hall tells us that the 'famous' *Constitutio domus Regis*, of which he there published a translation, and to which he had devoted much attention, 'can be distinctly referred to the reign of Henry II,' though Stapleton (1840) had assigned it to 'about the year 1135.' In his Red Book preface, however, we merely read that 'Mr. Stapleton clearly proved, long since, that this establishment refers to the reign of Henry I.' He also abandons, we discover, three suggestions on the text, which, in his earlier work, he had advanced with some confidence. Lastly, in a learned dissertation on Domesday, the Treasury, and the Exchequer, Mr. Hall wrote as follows: 'I have not the slightest doubt in my own mind, that Ingulphus saw the Domesday register, as it now exists, at Westminster.' It would be ungenerous to dwell on this unfortunate remark: I merely recall it for comparison with the equally confident conclusions that Mr. Hall has here expressed on the knowledge and authority of Swereford. I have not, however, here exhausted my grounds for doubting his critical acumen.<sup>1</sup>

One of the conclusions to which we are led by the keen investigation of the present day is that the tares of erroneous tradition sprang up, in those days, quickly, and that the men of the middle ages were often curiously misinformed about events that had happened not long before their own time. The admirable 'Dialogue' itself affords instances in point. We must,

<sup>1</sup> See further instances on pp. 4, 32, etc.

therefore, appraise Swereford's authority by testing samples of his statements, as, at the Exchequer, the master of assays tested in the furnace a trial pound to determine the quality of the silver paid in by the sheriff for his shire. The test which I specially selected for the purpose is the levy of 1159, now known in historical works as the 'Scutage of Toulouse.' Challenging his statement as to this levy, I wrote—in words misapplied by Mr. Hall :—'The value of Swereford's calculations is so seriously affected by this cardinal error, that one may reject with less hesitation his statement that the scutage of 1156 was taken for a Welsh war.'

Let me endeavour to render clear to those unacquainted with the question what the error is with which Swereford is charged. The two first 'scutages' taken by Henry II are recognised by modern historians as possessing exceptional importance, that of 1156 being claimed as the earliest appearance of the tax, and that of 1159 as 'a turning-point in the history of military tenure.' On these two levies Swereford shall speak for himself. In his 'famous introduction,' representing the result of his researches—a treatise, or 'libellus' as he terms it, complete in itself—he tells us that the former was raised 'pro exercitu Walliæ,' and the latter 'pro eodem exercitu Walliæ.' Nothing could be more precise than his words: his statement is absolutely unqualified. Yet, although, as we have seen, Mr. Hall ignores any rejection of Swereford's statements before my own critical study in the 'English Historical Review' (1891), Dr. Stubbs rejected it without hesitation in his 'Constitutional History,' not only assigning

<sup>1</sup> *Liber Rubeus*, p. 6.

the scutage 'accounted for in the Rolls of the fifth year' (1159) to the Toulouse expedition of that year, but dismissing Swereford's assertion that it was 'for an expedition to Wales' with the decisive remark that 'no such expedition was made.' Gneist similarly held that this levy was 'for the campaign against Toulouse'; and Miss Norgate in her well-known 'England under the Angevin Kings' (1887) quoted Swereford's words in full, only to observe that 'in both cases he is contradicted by chronology and contemporary evidence,' the scutage of 1156 being 'levied specially to meet the expenses' of Henry's campaign, that year, against his brother in Anjou, while that of 1159 was taken for the Toulouse expedition. The question, therefore, as Mr. Hall observes (p. clxvii), 'whether Swereford was justified in assigning the taxation' of those two years to the Welsh campaign, is a clear and a direct issue. It will scarcely be believed that having accepted it, and having devoted no fewer than six and twenty pages to an elaborate vindication of his hero's knowledge, accuracy, and care, Mr. Hall triumphantly records his conclusion that the levy of 1156 was 'for the Anjou campaign,' and that of 1159 'for the Toulouse campaign' (pp. cxcii-iii), which, we have seen, is precisely what Swereford's critics have maintained. Thus I need not devote even six and twenty lines to refuting Mr. Hall's arguments; for, as in the case of the 'chequered table,' he leaves one nothing to refute.

Doubtless, it may seem scarcely credible that after triumphantly insisting that 'Swereford was better informed than his modern critics' (p. cxc), Mr. Hall should, even casually, make this admission:—

It will be evident that in some particulars, such as in his conjectures with regard to the scutage of 1156 and the *Donum* of 1159, he has missed the point of the contemporary assessments for military purposes (p. cc).

For, though a cumbrous way of admitting that Swereford was wrong, and buried in the midst of a contention that he was right, it does reluctantly admit that 'his modern critics' have proved the positive statements in his treatise on the scutages<sup>1</sup> to be not only mere guesses, but to be absolutely wrong. It is therefore demonstrated, by this test, that where Swereford makes an assertion for which there is no other authority, it cannot be accepted as based on independent knowledge. For it may, as in these cases, be merely an erroneous guess, expressed as if it were a fact. That is all that we wanted to know.

It is specially, as we have seen, on the subject of these two levies that Swereford's statements have been impugned. The question of the scutages levied in 1161 and 1162 stands apart. On that question Mr. Hall speaks in language so confident, that I am compelled to explain how the matter stands. Swereford asserted that the levy of 1161 was at the rate of two marks on the fee, and that of 1162 at one mark. This assertion had been challenged by me in the case of the lay fiefs, and indeed we have only to turn to Swereford's own analysis (pp. 693 *et seq.*) to see that it cannot be maintained. Yet Mr. Hall ignores this criticism, and characteristically explains the difficult levies of these years by an elaborate assertion, for which he does not condescend to offer a particle of proof.

<sup>1</sup> This was printed by Madox as his definite pronouncement, and has been so accepted.

Those who prepaid their scutage in the fifth year did so at the rate levied on the tenants in the seventh year, and again paid their second instalment in the seventh year at the rate levied on those who paid in the eighth year (p. cxciii).

Here is a most complicated arrangement, requiring elaborate calculation. Yet none is given us. Nay, on the next page we are given a solitary illustration, in which the bishop of Norwich and abbot of Hulme pay at the rate, not of 3 ( $2 + 1 + 0$ ) marcs on their fees, but at that of 5 ( $2 + 2 + 1$ ), and the abbot of St. Edmund's at the rate of 4 ( $2 + 2 + 0$ ), which knocks the whole theory 'into smithereens.' Apart, however, from this, its intrinsic absurdity is shown by the consideration that if class A paid its instalments in 1159 and 1161, and class B in 1161 and 1162, both classes should figure together on the roll of 1161, which would thus contain an enormous list. A brief examination of the rolls will show that it does not. It is deplorable that one should be compelled to waste one's time on these fancies; but when they are thus confidently stated, and by a responsible editor, the student will naturally suppose that they have been duly worked out, and will accept them as established—if they are not overthrown.

It is very remarkable that while the chroniclers do not mention these levies of 1161 and 1162, they do mention the great levy for the Toulouse campaign in 1159. And one of those who do, Robert de Torigui, was actually abbot, at the time, of Mont St. Michel and, therefore, responsible for its scutage. One could not wish for better evidence. Modern historians justly



quote these writers as proof that the levy of this year was 'the great scutage of Toulouse.'

Mr. Hall, on his side, insists on p. 693 that the levy of the 8th year (1162) 'is to be regarded as the Great Scutage of Toulouse,' and on p. clxxiii that the levy of 1161 was 'the scutage of Toulouse.' Apart from this slight confusion he supports the latter view by a new piece of evidence—'a most decisive statement' he terms it—claiming that 'this legal decision may be fairly regarded as establishing the fact beyond dispute.'

We turn to this conclusive evidence, and discover, to our amazement, that it consists of a joke about the Pipe Roll of 1161 deserving to be cast into the Fleet Prison because its evidence, as to a point of tenure, was rejected in 1236. This story is found among what Mr. Hall thinks 'highly probable' were the contents of Swereford's own notebook. Its sense is obscure, and its casual allusion to the levy of 1161 being the Scutage of Toulouse comes to us only through Swereford himself, who, it is admitted, held that view. In other words, Swereford's view is conclusively confirmed by—a statement of his own.

And if further proof be needed of the worthlessness of this evidence, on the importance of which the editor insists more than once, we find it on turning to the real record, the Pipe Roll of 1234, where, under Surrey, we read that the question was settled, before the Barons of the Exchequer, 'per sacramentum xii militum ejusdem comitatus.' It is certain, indeed, from a study of the Rolls themselves, that the date 1236, given in the

<sup>1</sup> Cf. p. 65, above.



'Liber Rubeus,' and accepted as correct by its editor, cannot possibly be right.

It is significant that on the Roll itself there is not a word, in the entry of the case, about 'the scutage of Toulouse.' So much for our precious piece of evidence, 'an authoritative statement as to the date and entry of the famous scutage of Toulouse' (p. ccli). It dates itself wrongly; it is not a record; it is corrupt at the beginning; it ends in a joke; and the 'legal decision' was not concerned with the name of the scutage of Toulouse (which had nothing to do with the issue). Nay, we have no real proof that 'the scutage of Toulouse' was even mentioned.

That I may not be accused of bias in my criticisms of Swereford, I may observe, in passing, that the entry adduced from the roll of 1161 is duly found there in the roll itself, but is said in Swereford's extracts from the rolls, on p. 701, to be taken, with two like it, from the roll of the following year. As this error (ignored by Mr. Hall) to me seemed improbable, I referred to the original MS., and found that Swereford clearly means, as I read the MS., to assign these entries to the 7th year, although his editor has made him assign them, in error, to the 8th. Either Swereford or his editor is here at fault; but I do not think it is Swereford.<sup>1</sup>

I have been discussing above the levies of 1161 and 1162. But this discussion, it must be remembered, in no way affects the definite issue raised by Swereford's statement as to those of 1156 and 1159. It is the

<sup>1</sup> The student should be warned that Bartholomew 'de Chesney' (p. 701) and Bartholomew de 'Cheym' (p. 754) are identical, though indexed as distinct by Mr. Hall.

latter statement that I made my test of his authority, because it has been utterly rejected by others as well as by myself. And, as we have seen, Mr. Hall himself has had to confess that our criticism is sound.

But even as to Swereford's statement on the levies of 1161 and 1162, he finds himself, it is clear, in difficulty; for 'the known practice of the Exchequer as to the date of assessment and enrolment' (p. clxxi), on which he so strenuously insists, is

that the assessments levied for the campaign of one year were practically accounted for, as we have seen, in the rolls of the next (p. clxxxii).

And on pp. clxxxiv-v we are assured that 'the three earlier' scutages of Henry II present 'no difference whatever' in this respect. This is not, as he elsewhere admits (pp. clxxvi, cxcii), the case with the first of them (1156),<sup>1</sup> and still less with those which follow. For as the Toulouse expedition took place in 1159, its scutage should appear *ex hypothesi* on the roll of 1160, and not on those of 1159, 1161, or 1162. This difficulty, as I have said, must have been keenly felt; for we are suddenly presented, in a matter of course manner, with this desperate 'explanation':—

The simple explanation of the difficulty experienced by all modern historians in the identification of the scutages assessed between 1159 and 1162 is therefore this: that contemporary writers and officials regarded the Toulouse War as part and parcel of the French War which was prolonged for some forty years after the actual siege, whereas modern writers have assumed (not unnaturally, but entirely without warrant) that the title is confined to the events of a few months. The testimony of a great contemporary his-

<sup>1</sup> Swereford distinctly asserts (pp. 6, 13) that it was assessed (*assisum*) in the second year, in which it was also accounted for.

torian is, however, decisive on this point, and may be compared with the legal proceedings above-mentioned : ‘ *Bellum quoque Tolosanum,*’ &c. (p. clxxiii).

Now Swereford speaks, not of the ‘ *bellum,*’ but of the ‘ *exercitus* ’ of Toulouse ; and, so far from applying that term to a forty years’ war, he actually appends a gloss to his phrase, explaining that it referred to ‘ the actual siege,’ exactly as ‘ modern historians ’ have held. The siege was in 1159, and what he says of the scutage of 1161 is this :—

Fuit assisum ad II marcas pro exercitu Tholosæ, *scilicet,* quando idem Rex Henricus obsedit Tholosam (p. 7).

It is in the teeth of this decisive statement that Mr. Hall assures us that Swereford was thinking, not of the siege of Toulouse, but of ‘ the French War ’ that followed. The ‘ worthy ’ Archdeacon himself disposed of this ‘ simple explanation,’ when he thus, as if foreseeing it, spiked his editor’s gun.

Having now shown that in the test-case originally selected by me, namely his assertion on the scutage of 1159, Swereford is admittedly in error, I pass to another matter, namely his ‘ *dictum* ’ (*ut supra*) as to Exchequer practice. My criticism here was this:—

He appears to have evolved out of his inner consciousness the rule that a scutage, though fixed and even paid in any given year, was never accounted for on the rolls till the year after.

The persistent assertion that the *Cartæ Baronum* were connected with and preliminary to the *auxilium ad filiam maritandam* of 1168 is undoubtedly to be traced to Swereford’s *ipse dixit* to that effect. He distinctly asserts that the aid was fixed (*assisum*) in the thirteenth year (1167), that the returns (*cartæ*) were made in the same year (1167), and that the aid was paid and accounted for in the four-

teenth year (1168).<sup>1</sup> . . . This throws an instructive light on Swereford's *modus operandi*. Finding from the rolls that the payments made in 1168 were based on the returns in the *cartæ*, and not being acquainted with the date of the latter, he jumped to the conclusion that they must have been made in 1167, it being his (quite unsupported) thesis that all levies were fixed in the year preceding that in which they were accounted for on the rolls (*Feudal England*, pp. 264-5).

Every word of this indictment remains absolutely true. Mr. Hall, I may observe, carefully ignores Swereford's error in assigning the returns to 1167, though he himself is well aware that they were all made 'before Michaelmas 1166,'<sup>2</sup> the fact being proved by one of those very rolls from which Swereford worked.<sup>3</sup>

But what we have to deal with here is Swereford's *dictum*, on which his editor would like to fight the battle of his accuracy, as he cannot defend it, we have seen, in the matter of the 'scutage' of 1159. That 'dictum' is found in his comment on the Scutage of Galloway, and runs as follows :—

Et nota quod, quandocumque assidentur scutagia, licet eodem anno solvantur, annotantur tamen in annali anni sequentis (p. 8).

His editor waxes wroth at the thought that this statement has been 'boldly challenged,' and asserts that 'in every other instance than those of the three scutages in dispute (1156-1162) his statement is literally correct.' Well, we will take the most favourable test, the scutage of Galloway itself; and by the side of Mr. Hall's 'vindication' we will place Swereford's words.

<sup>1</sup> *Red Book of the Exchequer*, pp. 5, 8.

<sup>2</sup> 'At least we possess the certain knowledge that the returns were preserved in one of the Record-chests of the Exchequer before Michaelmas 1166' (p. ccxix).

<sup>3</sup> See p. 65.

The next Scutage, that of Galloway, was assessed, according to Swereford, in the 32nd (*sic*) year, and entered in the 33rd year-roll. The king's movements in the former year prove that Swereford was again right.

Anno xxxiii<sup>o</sup> (*sic*) Regis Henrici fuit assisum scutagium Galweie (p. 58).

Let it not be said that I am taking advantage of a slip on Swereford's part: as proof that I am not, I will next appeal to the great aid for Richard's ransom, because Mr. Hall fixes on this as a proof of Swereford's 'minute accuracy.' I again quote his vindication.

The scutage for the King's ransom was undoubtedly assessed in or before the 5th (*sic*) year, . . . and it is also undoubtedly entered in the 6th year-roll, as Swereford states. With reference to this levy we have an incidental proof of the Archdeacon's minute accuracy. He terms this 'Scutagium universale,' &c.

Anno vi<sup>o</sup> (*sic*) Regis Ricardi fuit scutagium universale assisum ad xxs, nullo exempto (p. 79).

I need not, it will be observed, discuss Mr. Hall's statements: I have only to quote Swereford's text as edited by Mr. Hall himself. The worthy Archdeacon and his learned editor may be left to settle their own differences. Were it needful, I could show with ease that the muddle-headed Swereford could not even adhere to his own mistaken *dictum*. The 'hasty charge,' of which, says Mr. Hall, he is 'acquitted on the clearest possible evidence,' is one that can be proved up to the hilt: it can be demonstrated from Swereford's words, and from



his editor's own admissions, that his '*dictum*' is wrong for each one of his first four 'scutages,' which are those around which the whole fight has raged.<sup>1</sup>

Although I have disposed of Swereford's dictum out of his own mouth, I may add that its intrinsic absurdity consists in its statement that scutages, *even though paid* ('*licet eodem anno solvantur*'), are not accounted for on the roll. Thus a scutage paid in November or December would be accounted for, according to him, not at the following Michaelmas, but at Michaelmas year, *i.e.* nearly two years after it had been paid.<sup>2</sup> Mr. Hall insists that no one

conversant with the method of Exchequer accounts, and the legal machinery employed for levying the scutage, (could) suppose that it could be accounted for within a few weeks of the time when it was assessed, or began to run (p. clxxxv).

I have never suggested that it could be accounted for 'within a few weeks'; but the student will be interested to note how quickly, as a matter of fact, it could be accounted for after an expedition which had not even been foreseen. At Michaelmas 1173 the fermors of Hyde Abbey '*redunt compotum de xv li. de scutagio militum de exercitu Scottie.*'<sup>3</sup> The expedition into Scotland was taking place in this very month of September; and as the Scotch King had only begun hostilities late, it would seem, in the summer, this case alone is sufficient to dispose of Mr. Hall's elaborate theory about the scutage having to be 'put in charge' long before it was accounted for (p. clxxxvi, &c.).

<sup>1</sup> *I.e.* those of 1156, 1159, 1161, 1162 (see p. 84, *supra*).

<sup>2</sup> This, it will be found, is the only meaning that can be put upon his words.

<sup>3</sup> *Rot. Pip.* 19 Hen. II, p. 57.



Statement after statement in this vehement defence can be similarly disposed of by turning to the words of Swereford himself:—

MR. HALL.

He has been censured for the supposed statement that the contributions of the prelates were made on a fixed scale. It will be found that he merely mentions a 'sum suitable to their fiefs.'

SWEREFORD.

Et nota quod dona prælatorum in summa pecuniæ convenienti feodis quæ tenent de Rege in capite, *ita quod ij marcæ computentur pro feodo uno* (p. 6).

I do not know where Swereford has been 'censured' for making such a statement; but we see that his words, when quoted in full, do describe contributions on the 'fixed scale' of two marcs for every fee. By the converse error, Swereford ignored the levy of 1165, although it has been shown to afford exactly the information he was seeking, on the ground that it was not levied at a fixed rate on the fee.<sup>1</sup> That such, and no other, was his meaning, is shown by comparing these two passages which face one another in Mr. Hall's text:—

' (1168) Apposui quidem istud auxilium in numero scutagiorum, quoniam cognita summa marcarum, cognoscitur per consequens et numerus militum.

(1165) Quod quidem auxilium in numero scutagiorum nolui apponere, quoniam probata summa auxilii propter hoc non probatur numerus militum, &c.

His champion, though actually quoting his words, substitutes a totally different explanation: namely, that he 'reluctantly passed it over, owing to the obvious impossibility of compiling therefrom a complete list of

<sup>1</sup> See *Feudal England*, p. 267. On the same page will be found his extraordinary error about the abbot of Gloucester.

knights' fees' (p. cxcvii), for he 'absolutely rejected isolated entries as useless for his purpose' (p. clii). This, it will be seen, is entirely different from the reason Swereford gives.

But the climax, perhaps, is reached when, after reading that the Inquest of 1166 was 'rendered desirable not merely in view of realising the anticipated Aid for the marriage of the King's daughter,' we are told, on the contrary, with perfect truth:—

There is not a scrap of evidence to support the common belief that the Council,<sup>1</sup> the negotiations for the royal marriage, and the contemplation of a Scutage, are indissolubly connected with the execution of this great Inquest, and it is perhaps to be regretted that so much time and learning should have been squandered upon this vain surmise.

For to whom is traceable this 'vain surmise'? By whom is this Inquest 'indissolubly connected' with 'the negotiations for the royal marriage'? By Swereford himself. He tells us in his 'famous introduction' that—

Cum Rex Henricus, filius Imperatricis, Duci Saxonie filiam suam Matildem, nuptui traderet, a quolibet sui regni milite marcam unam in subsidium nuptiarum exegit, publico præcipiens edicto quod quilibet prælatus et baro quot milites de eo tenerent in capite publicis suis instrumentis significarent.

The whole confusion is traceable to Swereford, and to Swereford alone. Nor can Mr. Hall have overlooked the fact; for I specially charged it against his hero that 'the persistent assertion that the *Cartæ Baronum* were connected with, and preliminary to the *auxilium*

<sup>1</sup> This is 'the Great Council of March 13, 1166' (p. ccxviii), which exists only in Mr. Hall's imagination.

*ad filiam maritandam* of 1168, is undoubtedly to be traced to Swereford's *ipse dixit* to that effect' (p. 85, *supra*). Yet he carefully conceals the fact that the error he denounces was Swereford's, and even upholds his accuracy against my own indictment!

It is not strange that these tactics, with which we have already met in the case of Swereford's 'dictum,'<sup>1</sup> should delude the unwary critic, and should lead him to accept the writer's claim that he has vindicated Swereford's authority. For it could hardly be suspected that evidence would thus be suppressed. But all the greater is the downfall of the case, when from Swereford's own lips we demolish Mr. Hall's pleas.

Everyone who has the cause of history at heart is bound to denounce this mischievous attempt to reinstate as a trustworthy authority a demonstrably misleading writer. It would not be at all unjust to say that, so far as concerns his avowed object, that of determining the military service due to the King of England, Swereford's calculations are worthless: it has been left for modern research to discover the key to the problem. In an official edition of a volume long famous among our Public Records, we look, not for the impassioned pleading of an eager partisan—suppressing and perverting evidence, but for the sound and balanced judgment of a scholar devoted only to the interests of historical truth.

<sup>1</sup> See p. 87, *supra*.









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